LITTLE BLUE BOOK NO. 1541
Edited by E. Haldeman-Julius

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WHAT LIFE MEANS TO ME AT SEVENTY-TWO

CLARENCE DARROW

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As a matter of reason, I know that the chance of adding many years to existence at the age of seventy-two is nowhere near so great as the same chance at twenty-five. And yet, I have no doubt that a large number of the living below the age of twenty-five will reach the end before my time will come. I have no doubt that my faculties and capacities for pleasure will rapidly grow duller as the days go by. But if my joys will be fewer and less intense, so, too, will my sorrows and disappointments be less real as time goes on.

Perhaps in a few years the waning emotions that we name pleasure and pain will balance each other, and the real satisfaction of existence be as great or even greater than when life seemed so serious, grief so hopeless, and joy so unconfined.

If there is any way of knowing what age up to seventy-two brings the most satisfaction, my accumulating years have not disclosed that time of life. Living is not an intellectual process. It is an emotional venture of desires and pleasures and pains; of ambitions realized and shattered; of hopes that bore fruition and schemes that crumbled to dust. All that remains at any age is the instinctive urge to go

on; the momentum of a going concern which persists until the power is exhausted and the machine functions no more.

Life is so full of absorbing events that no one checks off the days as he goes along or estimates how much of the vital force is still in store. The flow of time cannot be measured by dots and dashes, each complete in itself. Weeks, months and years are not separately inventoried as they go by. They are not treated by the living organisms as a merchant checks up to find what the bygone period has added to his gains. Life is a continuous stream.

THE LIFE STREAM

The individual existence is a part of the ongoing power that for a longer or shorter time takes the form and substance of the special ego. When for any reason the structure no longer functions, the life stream passes into other forms and entities that are able to distribute and utilize the force which the old organism could no longer house. The individual lives so long as the organism furnishes a tolerable abiding place for the life force as it moves on. Depending upon age and health, on fineness or coarseness, on sleeping or waking, and doubtless on many things of which we are not aware, each living organism persists until its work is done. If this individual ego is the structure that now pens these lines, is there any way of telling whether life is more or less satisfactory at the age of twenty-five than at the age of seventy-two? I am able to

look back at the years that have gone by, but I can measure them only by the feelings, tastes and values of the man of seventy-two, even though I can look forward to an age still more advanced.

I can consider the pains of growing infirmities, the satisfaction of modified and tempered emotions, and the relief of shifting burdens to younger shoulders; but this I can do only with the experiences and feelings of the man of seventy-two. As I review the past I feel sure that many of the activities that in youth I counted as pleasures were not worth the cost. I feel equally certain that my deepest sorrows and regrets were exaggerated and magnified by the immature judgment and false values that moved the child and the youth, and even the matured man. As I now look back, I feel that every sensation was more or less illusory in those bygone years. From my present vantage point they appear to have been magnified, distorted or veiled by the mists and fantastic images that warped the realities into forms and fancies that could not be real. But I have lived my life and viewed my objects and dreamed my dreams with the emotions and experiences that were incident to the age and the reactions that I was passing through.

At seventy-two I am far from sure that life is less desirable than when I was in my teens. I am not convinced that the urges and emotions upon which my organism persists are in any way changed from the emotions of the early years. I well remember the time when I imagined that no pleasure would be left for

me when I should be too old to play baseball. I seemed to live through the week's drudgery in school for the Saturday afternoon when we assembled on the public square to play the longed-for game; the anticipated joy was subdued only by the fear of rain. If perchance the awaited Saturday brought the disastrous storm, my disappointment and sorrow were in no way appeased by the knowledge that other Saturdays were still in store; much less were they modified when our elders pointed out that we needed the rain to help the thirsty crops. For me and my companions there was no other time than this vanishing afternoon.

OVER THE DAM

Likewise, the childish plans for a boisterous time on the Fourth of July filled all the horizon of the youth. To be cheated on that one day admitted of no hope or extenuation. The fact that in only one more year a new Fourth of July would give us another chance in no way lightened our hopeless grief. The child came nearer the understanding of life than our elders knew. The stream was flowing on; every emotion and sensation belonged to the present and the passing moment was all there was to life. Years and experience may give one a longer look forward, and somewhat temper disappointment, but at seventy-two life has the same essential qualities as it had at seventeen. It is the passing stream that brings feelings of pleasure or pain. The water that has gone over the dam has no effect save to tame the

expectations with the memory of the experiences of the past.

At seventy-two, the stream still flows placidly on or is disturbed and interrupted in its course. At seventy-two it is the immediate sensation that brings gratification or distress. In youth, satisfaction meant joy, and disappointment meant despair. Slower heartbeats and longer acquaintance with life have measurably moderated both gladness and sorrow, and the softer, duller sensations fit the advancing age. No one can say that on the whole the life stream at seventy-two is any less desirable than it was in youth. With age, as in childhood, it is the immediate occurrence that chiefly creates the interest in living. We all know that at almost any age a toothache is hard to bear, but this consciousness does not seriously affect the enjoyable sensations of living. It is only while the toothache is present that the pain excludes the possibility of joy. All life is along the same pattern. It is the next month's rent, the need of coal, clothing and food that so often makes life a burden to the poor; when the month's rent is paid there is a period when it no longer interferes with the agreeable emotions incident to living.

WHEN WE LIE DOWN TO SLEEP

The older person finds contentment and happiness in friends who help him enjoy the evenings now at hand. Beguiled by fond friends and interesting discussions that would have been stupid in youth, time passes all too

quickly, and there follows the feeling of relief at the approaching sleep. At an advanced age one does not eat so much as he once did, and the food is not quite the same, but the gratification of the palate is not destroyed by age.

It is true that as we grow older much of our living comes to be almost automatic. We give an hour in the morning to the reading of a newspaper which at one stage of our life would not have been worth the while. We read it carefully, not omitting the obituary notices, now wont to record familiar names. These we can scan with scarce a shudder, for the living organism cannot imagine itself as dead; even if it could really vision Nirvana, it would bring only a feeling of rest and peace.

I am inclined to believe that very few who reach mature years are harassed by any thoughts of future punishment. Life has taught the pilgrim the frailty of human judgment, the prevalence of error, the shortness of human foresight, the intricate and impenetrable web of fate that enmeshes all. It has made him tolerant and kindly and understanding. It has taught him not to judge or condemn. It does not matter what the religious faith may be, he cannot imagine a God with less understanding and charity than he has himself.

I cannot see that either the pains or satisfactions incident to life are greatly changed with the passing years. The tired youth and the weary old man alike turn gladly to their beds at night and welcome the kindly, soothing embrace of sleep; neither in youth nor old age is anything quite so satisfying after

a day of activity as the consciousness of softly approaching sleep. I cannot avoid the conclusion that, as on-coming drowsiness at night is, after all, the most gratifying of sensations, so the slowly soothing anesthesia that precedes the inevitable end should be the most welcome sensation following on an active life.

As a child I liked to run and jump in the open field. I liked it for the sheer joy of the outdoors, the fresh air and the coursing blood born of activity and life. I still love the fresh air and the green grass and trees and the great outdoors. True, I walk instead of run. I no longer jump as I was wont to do. A park bench furnishes every opportunity to see the trees and grass, and feel the fresh, invigorating air that blows from the lake, bringing the same sensation that it did long years ago. As a boy at my tasks, or kept indoors by rain, I felt joy when the sky was clearing and I knew that I could soon be back in the outdoor world.

As an old man I look with pleasure at the melting snow, the budding trees and the manifold promises that the spring still holds out to brighten life. At any and all ages I have enjoyed and still enjoy the companionship of friends. Perhaps there is no other emotion quite so gratifying as that which comes through the association of those with whom we blend. In the company of those we love, even conversation is not needful; there are understanding and regard and sympathy which radiate alike in silence and chatter. As the years pile one upon another, this pleasure does not wane.

Is seems to develop and take the place of others that have fled forever. When one grows old he is lucky if he can understand and sympathize with the young. Old friends may die and leave you forsaken of their companionship, but the children come on eternally. Assume that I may live eight or ten years longer—which is more than many of the young can survive—that eight or ten years will bring a great many pleasant meetings, a great many communions with congenial friends, with pleasures just as real as those in the years gone by. I probably shall have many agreeable realizations of approaching sleep, many wakings in the morning with reinvigorated energies, many breakfasts and dinners, many meetings and rare hours with those that I love.

I still like travel; at least before I go away I have the feeling that I shall enjoy the change; even if my journey proves disappointing and the new prospect does not fulfill anticipation and I pine for the familiar faces of old-time friends, I still can find pleasure in anticipating my return. Gratification is made up not alone of the sensations that we really feel at the fulfillment of an anticipated joy; a part, and doubtless the largest part, comes from the hopes and expectations of wishes that never meet fruition. For all practical purposes the dream is the reality, and whatever the age, no fulfillment entirely completes the dream.

AIR CASTLES FOR YOUNG AND OLD

The eyes of the mind look out through magnified lenses. Neither the trouble that we

fear nor the joy that we expect is as far removed from the commonplace as time and distance and imagination made it seem to be.

It is the young who marvel over how life can hold any satisfaction to those who, from the nature of things, have almost reached their journey's end. The young can no more view life through the halting emotions of the old than can the aged again realize the pleasures that exhilarate the youth. Neither can the old sympathize with the impatience of youth which comes from the disappointed dreams and desires of the young. Nature is not so unkind as she seems to be. Automatically she brings the individual structures into harmony with failing emotions and changing environment. Nature does not temper the wind to the shorn lamb, but she tempers the shorn lamb to the wind.

Age does not even destroy all dreams and ambitions. Whatever the time or station of life, and whatever the physical structure that seems to be one's home, still from the beginning to the end we really live in air castles built from hopes and fears, from visions and from dreams. The castles of youth are high and wide, the gates are guarded by giants and ogres. There are battlements to scale and drawbridges to cross, and moral combats that must be waged ere the victory is won. The castles of age are covered with ivy and lichen, the gentle breeze comes through the trees across a peaceful lake, and the grateful sun warms us as we sit in an armchair at the window and alternately read and doze the time away.

We do not resign ourselves to idleness; there is much work still to do. Most of our expected achievements are yet unaccomplished, and many of them scarcely begun. We will commence them tomorrow and finish them within the year. What matters it whether our dreams come true or not? They are essentially true while they have the reality to move our consciousness, and when this period goes by, it does not matter whether the work is finished or whether it ever was begun.

The human mind lends itself to ambitions, and every period of life has its fitting desire. The man who has been interested in the show as it passed by, who has tried to keep in touch with the world, has accumulated opinions, beliefs, ideas, or at least habits of thought. All of us are, for some mysterious reason, anxious to have others see the world as the world seems to us. I am satisfied that all men are propagandists. The possession of an idea or opinion somehow generates the emotion to urge it on someone else and make him see the truth as we see the truth. We are like a hen which announces loudly to the universe that she has laid an egg. It is most likely important only to the individual hen, but the nature of the emotion creates the zest for the utterance. All of us are eager that others shall see and feel what we see and feel. This emotion furnishes not only an active interest in life but a sense of duty; no doubt it is a mistaken sense, but it helps us keep our interest in the passing show.

As a propagandist, I see no chance to grow

weary of life. I am interested in too many questions that concern the existence and activity of the human race. Not only am I interested in these questions but, for some reason or other, I almost always find myself disagreeing with the crowd. From experience I know how few men ever care to investigate any subject and how few honest opinions are of any value. I also know the strong tendency that most people have to go with the crowd. Social ambitions, ease of mind, business interests and most of the motives that move men induce them to do what others do, believe as others believe, and think the thoughts that others think, if any. Only a few men have ever studied any subject carefully, and in all fields of activity we are obliged to rely upon the experts for dependable information. This fact is one reason why most people align themselves with the majority. It is always the easiest and safest way. The majority have the wealth and power and standing which attract the masses of men to the different opinions, creeds and causes which move men.

A STANDARD BEARER OF LOST CAUSES

I have long stood with the minority on almost every question that divides men. I also know that the truth is many-sided and relative and shifting, and yet it seldom occurs to me that any of my opinions can be wrong. I know by the law of chances that all of them cannot be right, but yet, when any particular view is challenged, I feel sure that my view on that matter is beyond dispute. As a prop-

agandist I realize the work that I shall always find to do. No matter how long I live, I shall still be seeking to convert a blind and credulous people to abandon their idols and join the thin ranks of the minority and help bear its soiled and tattered banner to ultimate victory. Still, I know that I shall fail. I know that if perchance the majority could be ranged on my side, it would be as intolerant and senseless as majorities have always been.

Of course age has its discomforts. It brings its manifold aches and miseries to body and mind. It brings loneliness as friends and acquaintances drop out of the field and leave one to march alone. In my weaker moments the power and bigotry of the crowd make me shrink and tremble and grow afraid. They even make me doubt myself. Often and often as I fight to defeat for a hopeless cause, I look at the triumphant majority that, with glee and infinite assurance, marches by, and ask myself why I cannot be with them. After all, would it not be better to hunt with the cruel, barking hounds than to run with the timid, frightened hare? The only reason why I do not join the pack is because my human structure is not adjusted to the easier way of life. To me, the easiest way is the hardest way.

If one has taken his place with the minority, if he has defied the crowd, if he has determined to go alone, he must fearlessly content himself with his way of life. He cannot pity himself. He must take life as it comes, without regret or complaint.

ANNOYANCES IN THE MAIL BAG

Each age has its special burdens. Often these burdens come from little things scarcely worth noticing. In old age, as in youth, slight affairs are sometimes as trying as serious ones. One of my greatest crosses is my daily mail. It brings its inevitable grist of annoyance and disillusion. It ought to be impossible for an active man who has lived a full life to find new annoyances at seventy-two, but each day brings these at whatever age, and the postman does his share on every round. The old are naturally grateful for kind letters from friends and well-wishers who express appreciation, approval or gratification over things one has done or tried to do; but even these letters should not be long, for at seventy-two no one can possibly complete all the tasks that he has set out to do. So, without the encouragement of friends life would be hard and bleak.

But there are letters with requests for money which one cannot give; for employment that is still harder to furnish or find; letters from the poor and unfortunate in sordid homes and in hospitals, asylums and prisons; letters from the families of victims waiting and checking off the days before a loved one shall be led out and put to death by the state. In the eyes of a mother, wife or friend, the victim is not the person that the public hates. Seldom is there any chance to help.

Then there are the letters from those who wish to save my soul. These are generally

written by kindly, human men and women who want to do me good. Usually they are written with the utmost care and with the well-meant desire to save me from the wrath of an angry God. Oh course, they should save their time, and mine. If I believed in such a God I should go insane.

Not all the letters are kindly. Every crank can write. One can read their letters without opening the envelopes.

There are others who write abusive letters for the joy they get in the thought that these cruel messages give me pain. Of course, they fall short of their mission, for they are never read. Life is harsh enough without seeking hurts.

Books, too, arrive in the mails; most of them sent with the kindliest intentions, and sometimes the request that I may say a word about them that will help their sale, which often I would like to grant, but when can I possibly find time to read them all? All my life I have loved books and have been an industrious reader, and have never been able to peruse more than a small fraction of the books that I want and still expect to read. Many unpublished manuscripts also clutter my mail. Some of them are well done, I hope; some are from strangers, some from friends: some ask me to read their books and criticize them—by which they mean praise them—and often I am asked to write a preface. What can they be thinking of? Do they not know that I am seventy-two years old?

And yet age has its advantages too. I lie in bed in the morning as late as I wish or, rather, as long as there is any possible chance of falling into another nap. Why should I dread death, when I never miss a chance to sleep, and am only annoyed because I waken too soon?

After an active existence, it is really a relief to find the regular daily burdens lifted from the tired shoulders. Take it all in all, the Indian summer is very grateful and soothing to a body that really longs for rest. The little child is amused by what his elders believe are senseless toys. These fill the small horizon that his few years have given him to see and understand. In old age, once more the little things stir the feelings that have been so worn by time and sensations that the slightest inducement makes the nerves vibrate like a leaf in the November wind.

No one can reach the age of seventy-two without thinking of the great change which must overtake him in so short a time. As with all others who ever lived, this consciousness has often been active in my life. I am sure that the prospect of death disturbed me more profoundly when I was young than it does today. This was always borne upon me with the passing of someone near to me, and the consciousness that my father or my mother or someone else that I loved might soon meet the same inevitable fate.

I am aware that passing years blunt the sensibilities and prepare the victim for an unavoidable tragedy that is incident to life. It

seems to give me only small concern. The living cannot imagine themselves as dead. The belief in an inevitable end can affect only the mind, and this is not vital in the processes of life. Thanks to my father and mother, I never believed in an angry God who would torture me or anyone in eternal hell. I do not believe in wrath or vengeance. I have more and more come to the firm conviction that each life is simply a short individual expression, and that it soon sinks back into the great reservoir of force, where memory and individual consciousness are at an end. I am not troubled by hopes, and still less by fears. I have taken life as it came, doing the best I could with its manifold phases, and feel sure that I shall meet final dissolution without fear or serious regret.

WHAT I THINK OF DARROW AT SEVENTY-TWO

E. HALDEMAN-JULIUS

It is with the bearing of a philosopher that Clarence Darrow surveys life from the vantage point of his seventy-second birthday. His philosophy is much the same as it was a quarter of a century ago when he wrote *Farmington* (Big Blue Book No. 49)—a philosophy of realism made gentle by a profound sympathy with his fellow men, by an unwillingness to place bitter emphasis upon the things that divide men in beliefs and interests, by a toleration that is rooted in an essential abiding skepticism. He is as free from illusions as any man living. He offers none of the sentimental babble that men in full years usually are prone to, thinking they must say a last word to signify their respectable adherence to all the popular fictions. To be sure, Darrow is a man of deep and true feeling; in the vein of mellow emotional commentary on life he is more appealing than any other man; but he has not let his feeling shape his fundamental thought about life—on the contrary it is his clarity (at times a cynical clarity) of viewpoint which deepens his sympathy for the pawns of a brief and deceptive life. His emotions are those of a kindly, tolerant, but disillusioned man.

When I say that he is disillusioned I do not mean that he is unhappy or soured; but, if any-

thing, he has grown kindlier as he has grown older. And although one of his most familiar affirmations is that life is not worth living—which he upholds from a philosophic rather than a personal point of view—I can think of no one who has had a more interesting life than Clarence Darrow. He has been fortunate in his gifts and he has been able to exercise them successfully and to command both moderate fortune and fame that is unique. He has had a very sensitive capacity for getting the most out of life, for enjoying as well as understanding life—a vigorous man, strong in body and mind, and blessed with an unusual sense of humor. That last is an important gift. It has enabled Darrow to be cynical without being bitter and to dismiss the common sentimental illusions with an appropriate smile, yet with a feeling of pity for those who cling rather pathetically to such sorry illusions amid the struggle and confusion of things. He feels at once the tragedy and the mockery and the high comedy of life, yet he is aware at the same time of its necessary commonplaceness for most of us.

To be sure, in this retrospect at seventy-two Darrow is mild in his expression. For that matter, he has always had a light touch. He suggests a good deal more than he directly says. There is, however, no mistaking the skeptical implications of his philosophy. He offers no cheap "inspiration" to those who want something beyond life to justify life. Philosophically, the theme of his essay, implicit from first to last, is that life is just living and that there is no great purpose or wonderful divine

scheme in it. There are only such temporary and limited purposes as man himself invents.

Life is the sum of sensations that each of us has during his few years on earth. We do our work as best we can; we take, if we are wise, the pleasures that are within our reach; we have our dreams too but they are dreams and hopes of earthly joy and fame and self-realization; and whether our dreams come true or not, our end will be the same and it will be soon. As individuals, how foolishly egotistic we must be to think that some Power or Presence not of earth watches over us! We are of course important to ourselves and in a less degree to our friends. That is the natural expression of our strong love of life. For the urgent, desirous reality of life is not affected by this question of a mystic purpose that is working out to some great end for humanity. Individually, what could such a purpose mean to us? Who can know what it is? Who can prove it? Who can give expression to it save in terms of his human desires and opinions? It is enough to know that we are alive and our wisdom lies in making life yield us the best harvest of experience.

We cannot even say that life is the *sum* of our sensations. At no moment can a man say that he possesses really and consciously the whole of his experience. At seventy-two Darrow confesses that he cannot realize himself as the young Darrow or the middle-aged Darrow or the Darrow of ten years ago. We forget much that has happened to us and that at the time was very real; some things we hold in vague

remembrance but to say that they belong to us—that they are actually a part of us—is to use merely an idle form of words; even in our clearest recollection of the past there is the feeling of unreality, and the future is more or less of a gamble upon which certainly we cannot draw in advance.

We live, as Darrow says, in the sensations of the present. That is all and, as we have no choice, it must be enough. It is enough for a man who faces life with a healthy realism. Why sigh for immortality? Life is our immediate concern. Why hug to ourselves the illusion of a mystic purpose in life? There are human aims and interests that are real enough for us while we live—and when we are dead we shall be rid of all vexatious questionings and strivings.

This philosophy of simple close-to-earth realism does not mean that we are to live aimlessly. No man *could* do that, although some men manage their lives better than other men do. The instinct of self-preservation supplies all life with a natural and strong aim. A good deal of our life is spent in working, eating, sleeping and performing the simplest physical functions so that we may keep on living. The life within us takes the shape of various natural desires, and we put forth great efforts to satisfy these desires. And how great a portion of life is made up of trifles, which nevertheless as they present themselves, so familiarly and unceasingly, are of undoubted importance to us!

For most of us life is not a breathless ro-

mance nor a tale of great deeds. Even so, if we have good health and good humor we can still enjoy the old familiar round and get a thrill out of the mere sensation of being alive. It is not a thrill that we have continuously nor always in the same degree. It does seem a shame that, brief as life is, we cannot feel always the most intense, delightful sensations. But we are often dull. We cannot escape times of boredom, just as each of us is certain to know hours of distress. We grow tired too, but then rest and sleep are more desirable than the most attractive experiences the imagination can picture. We gladly sacrifice about eight hours consciousness out of each twenty-four hours, so that we can keep going during the other sixteen hours. And all too often our sixteen-hour day of consciousness seems long and weary.

But, the reader may object, we have ideals, duties, moral principles. The only way that we can judge these, however, is by their possible usefulness for living. These ideals and purposes are quite human in origin. After all, they too represent—just as work and food and sleep represent—the efforts of men to continue living in the most agreeable manner. Quite often these ideals have been a terrible detriment to mankind. They have cost blood and tears in payment for folly. And the purposes of men, separated by race and class and country, are provocative of sharp conflicts. But the man who believes in an ideal, however false or dangerous it may be, is convinced that his ideal is better for life. And each individual or group

considers that its own purposes are right and good, even though they are strongly disputed by other individuals or groups. It is all a tangle of human efforts and desires, but there is no great supreme purpose decreed from some mysterious throne of authority hidden somewhere in the universe. Men work out their own purposes as they go along, and they have made blunders enough in all conscience. Ideals have been very misleading, when they have been formed without realistic consideration. We cannot easily agree about ideals; it is certain, however, that they have only a human significance and must be judged by their very tangible results here and now. The only purpose in life is that of making life more agreeable—that of man adjusting himself to his world. In social organization, we still disagree about how this is to be done. Individually, our purposes vary a great deal. We do not all want precisely the same things in life.

This notion that life has a purpose, infinite and absolute, beyond the finite aims that are connected with the living of life, is of course a product of the religious mind. It postulates belief in a God. For if life has a purpose then it must be assumed that a God has decided upon that purpose and is carrying it forward. I say "assumed": for the whole thing is pure assumption which is made ridiculous when one takes a plain view of the facts. It is preposterous to try to explain the blunders and conflicts of men in the unhappy light of history by the theory of a divine intelligence managing the show; not to speak of the ghastliness of evolu-

tionary processes long ages before human life appeared. Life is all too evidently a working of the blind, inexorable forces of nature. True, man has learned scientifically how to use his own greater power and safety; still he cannot escape from nature in the long run, while his inventions are the fruit of his own learning and efforts, without help from God. Nowhere in evolution, nowhere in the history of man, do we find trace of any but intelligible (yet not intelligently ordered) natural forces and the strife of human interests and the devolopment of human purposes, good and bad and indifferent, for the living of life. The only purpose that life can be said to have is to live and to produce more life. And that is not so much a purpose as an instinctive condition of life. We are here because we are here, and we have a lively desire to stay here—until, as Darrow reminds us, the body-machine wears out and we have not the energy to go on living.

This will to live, which is expressed in the most simple and in the most elaborate of our human aims and standards, is sufficient. For the will to live includes the effort to understand life, to beautify it, to enlarge it and organize it. The idea (essentially religious) of a purpose in life is too vague an assumption to have much practical force. Excluding all idea of such a purpose, there is a plenty of inspiration in the natural vigor of life itself and in the realistic aims that we can immediately see and understand. If consciousness of such a purpose were necessary to life, it is reasonable to suppose that it would be made clear beyond dis-

pute; but it is the most thoughtful man, who might be expected to serve as the most valuable agent of such a purpose, who easily perceives that it is a fallacy and turns to ideas and objects that are real. Evidently it has not been the conviction that he has been the instrument of such a mysterious, perfect purpose that has animated Clarence Darrow in his brilliant career. He has dreamed and achieved a great deal more than the average man, because for him that has been the most interesting, expressive way to live. The realization indeed that all of life for us is here and now, that the only purpose in life is supplied by ourselves—by our own desires and aims—makes the very strongest incentive to live as fully and intelligently as we can while we are here. It is a very foolish man who worries and neglects to make use of the day because he knows the day will pass. It is equally foolish—and equally at variance with the vivid, natural will to live—for a man to despair and make no effort and have no hope nor ambition in life because he knows that death will end the show. It is a good, at least an interesting, show while it lasts.

The greatest purposes of men have their inspiration in the improvement of this life. It is, after all, for the uses of this life and without regard to any so-called "higher purpose" that man accumulates knowledge, that he concerns himself with social ideals, that he cherishes the finer emotions, that he makes for himself certain ethical values. The explanation of life, the purpose of life, the rewards (as well

as the penalties) of life are found in life itself. Beyond this human scene and our finite human interests it is impossible to go. We shall do better, then, if we devote more intelligence and good will to the business of living and forget our vain speculations about a mystic purpose in life. This is an atheistic philosophy, but it is sensible and humane. It is the realist like Darrow who offers us the most useful and stimulating reflections because he is speaking not as a false, illusive oracle but as a clear and sympathetic observer of life.

And he is such a tolerant observer. He does not blame men for their illusions nor their sad and foolish prejudices, although he has for many years taken every opportunity to express a more civilized viewpoint. If he is pessimistic in his impersonal outlook upon life (personally he has an unusual capacity for enjoying life), it is not a crabbed killjoy pessimism but a philosophy that would encourage every slightest chance to grasp a bit of happiness—a pessimism (or, more fairly, a realism) that in realizing the limitations of life is thereby the more impelled to use life fully within these limits. In fact, it is an objection to idealism of the religious or metaphysical kind that it often cheats men so that they do not enjoy life in a simple, natural way; they are so burdened with the idea of a "higher purpose" and with notions of duty that have no realistic human sanction that they miss a great deal in life. Like Omar, like all great humanists and realists, Darrow's message at seventy-two is: *The purpose of life is living and, as a part of this purpose, making*

life more livable for ourselves and our fellow men.

Nor is Darrow foolish or dogmatic enough to say precisely how anyone else should live. He believes thoroughly in freedom and toleration. He realizes that no man can absolutely guide another nor impose upon another his own feelings and aims. The attempt to do so has unhappy consequences. To be sure, we can learn from one another. We can make use of our common heritage of wisdom. We are fortunately able to make use of the knowledge and facilities of civilization. Many things, however, and the simplest ones too, we must learn by experience. Our mistakes teach us the most impressive lessons; and if often we refuse to learn, probably it is because our mistakes are so agreeable. Perhaps they are not really mistakes after all, if we rid ourselves of the notion that there is a hard-and-fast, perfect, correct, dutiful way to live, if we remind ourselves that the greatest thing in life is interesting and pleasurable experience.

Anyway there is an excessive and confusing tendency to preach about the moral duties of behavior. There are too many men who have a readiness to instruct others, dogmatically, how they should live. It has always been assumed as a special prerogative of the elders to offer plans and specifications for the guidance of the young.

It is nicely characteristic of Darrow that he avoids talking down to youth as if from a superior height and pointing out to them solemnly, all-wisely, the way in which they

should go. He knows what a feeble influence such cut-and-dried copybook admonitions have, how egotistic and unreal they are, and how deceptively they are the product of a particular age of sensations. Darrow knows that childhood, youth, early manhood, middle life, and old age have each their periodic pleasures, follies, and standards of judgment. And he is too wise to insist that one period of life should be guided by the feelings and values of another period. Youth cannot bring age back to its own daring and vigor and, often, recklessness. Nor can age put its own restraints, which are biological rather than moral, upon youth. A good deal of what is called the wisdom of age is simply the product of slower, tamer blood and the outgrowing of younger desires. Always older men have counseled youth to deny themselves the very experiences which they (older men) took eagerly when they were young. One cannot possibly make the age of twenty-five have the same impulses of living as the age of seventy-two.

And Darrow has the good sense not to try. He knows that youth will be served and he is even glad that it is so. Of course, in looking back he can understand that the hopes and disappointments of his youth were not as serious as they seemed to him then. Yet if he were set back at that young age, he would have precisely the same viewpoint. He would feel as strongly and dare as greatly—and he would make the same mistakes.

Life, says Darrow philosophically, is but a stream of sensations. We live in the present

and each day we leave something behind forever. At maturity we put away childish things but we have the impulses of youth. In middle age we are sobered and restrained. We have grown tired of activities that a few years before were very exciting and appealing. We have become more conscious of the passing of life and have been perforce impressed with greater responsibilities. As we still grow older, we take life more quietly, our desires are fewer and simpler, and we are more apt to moralize for the benefit of the young about the folly of doing this and that—a kind of "morality" which is explained, of course, by lack of desire. A similar urge of "morality" is that which impels men at whatever age to condemn or to minimize the importance of pleasures which have no appeal for them, while rationalizing with no less conviction the pleasures which they find seductive. They are the men who

> Compound for sins they are inclined to
> By damning those they have no mind to.

Of course, Darrow is too intelligent to talk about "sins". A good deal of what is called "sinning" is but the natural expression of the ardency of youth and the inevitable desire of youth to experiment; and moralists, whether truly self-denying or expressing merely a lack of desire (the latter being the case with aged moralists), preach vainly against this assertion of youthfulness. Life is too short for us to bother about denials and hesitations of petty morality, which is after all not really morality

but puritanism, which in turn comes from religion. It is best to enjoy life in a perfectly natural way—being careful only that one is not hurtful or unfair to others—each according to his temperament and his age and, of course, his opportunities. Virtue often is a lack of opportunity, just as the virtue of age is often no more than a lack of desire.

Each period of life has its own tempo and general mode of behavior. At seventy-two Darrow lives in the present, just as he did at twenty-five: it has simply changed, not in the fulfillment of any extra-mundane purpose nor in the light of morality or idealism, but as the natural result of years, following the tendency of all life. He is, to be sure, fortunate in preserving a keen, intelligent interest in life: he is gifted with more vision and energy, also with more toleration—more sympathy with other periods of life—than men usually are at his age. Physically and mentally, Clarence Darrow is an exceptional man. He does not bewail the years that are gone nor does he boast of the superior wisdom and virtue of age. He knows that wisdom and virtue are relative, and that what is wisdom for age would be unnaturalness for youth. The individual changes and at length dies, but life goes on. Age is more given to looking backward, youth is more given to looking forward, yet both youth and age really live in the present.

Perhaps the finest thing about Darrow at seventy-two is his attitude toward death. He faces death, as he has faced life, without illusion and without fear. He does not de-

ceive himself with hope of a future life nor is he at all shaken by threats of a wrath to come. Fanatics only annoy him when they try to "save his soul": that has always seemed to him a poor, shadowy fiction, certainly having no touch with reality. His business is living, according to the quiet and mellow inclinations of seventy-two, and when he is dead he will be concerned with nothing. And death, he suggests, when it comes naturally in the fullness of years, may be as welcome as sleep. Such is life—such is death—and Clarence Darrow is brave enough and honest enough to recognize the truth. He is too intelligent to comfort himself with lies; and indeed truth, whether good or bad, has been one of his main interests in life. At seventy-two, Clarence Darrow would agree with Omar, who is one of his favorite poets:

The Moving Finger writes, and having writ
Moves on: nor all your piety nor wit
  Can lure it back to cancel half a line
Nor all your tears wash out a word of it.

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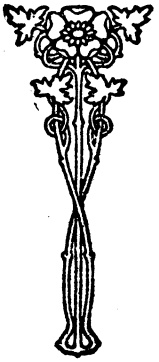
For: CLARENCE S. DARROW
Against: ARTHUR M. LEWIS



at *the* GARRICK THEATRE
Sunday Morning, Feb. 6, 1910

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EVOLUTION
SOCIAL AND ORGANIC

BY

ARTHUR M. LEWIS

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CHAIRMAN:
HERBERT C. DUCE
MANAGER OF THE GARRICK THEATRE

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CLARENCE S. DARROW

Darrow-Lewis Debate

"THE THEORY OF NON-RESISTANCE"

For: Clarence S. Darrow.
Against: Arthur M. Lewis.

Chairman: Herbert C. Duce, Manager of the Garrick Theatre.

Darrow's First Speech.

As this is a Sunday morning, and a semi-religious question, I take for my text the 38th and 39th verses in the 5th chapter of Mathew. I cannot quote it literally. It is quite a time since I have read it. But I know the import of it.

Ye have heard that it hath been said: (I am quoting from Mathew)—"An eye for an eye, and a tooth for a tooth. But I say unto you; Resist not evil. But whosoever shall smite you on the right cheek, turn to him the other also."

I do not quote this because Mathew wrote it. I really do not know whether he did or not; and I care a great deal less. I could not find out whether Mathew wrote it, unless I should read Professor Foster's works on religion, and that would take too long. But I quote it because throughout all the Western world this has been the accepted statement, of the doctrine of non-resistance. It is, perhaps, as good a statement of that theory as one can find in a few short sentences. Mathew had

no patent on it, of course. There are very few thoughts in this world that are patented and those are not worth it. It was undoubtedly very old before Mathew lived—if he lived. And it has been repeated a great many times since he died.—if he died.

The theory of non-resistance is taken, generally, as the opposite to the theory of punishment, or the theory of vengeance, which, up to the time of the Christian religion, was the theory of the world—and since that time has been doubly the theory of the world. Its announcement, as generally admitted by those who have written and spoken upon the subject, has reference, first, to the treatment of those whom society calls criminals; next, perhaps, to governments in their relations to each other and to their subjects; and then to women and children, insane, prisoners, and the like. It relates to the way those who have the power have generally exercised that power in relation to the rest of the world.

Now, I might say in the beginning that I am not quite sure of this theory, or of any other theory. I used to be a good deal more positive than I am to-day. And, especially, I am not at all sure that there is any theory in philosophy, or morals, (or laws,) that works out in sociology. The science of society, if there is such a science, is not an exact science. You cannot demonstrate any theory of society the way you can demonstrate the multiplication table, unless it is Socialism—and you cannot demonstrate that in the same way unless you are speaking to an audience of Socialists. You might demonstrate Single Tax to a Single-Taxer, but you could not do it to anybody else. Exact science

has little to do—something to do, but little to do—with the ways in which man organizes himself on the planet. He does not move in straight lines, or in regular curves, or even in crooked lines, that can be depended upon. When he learns what the crooked line is, he goes straight. And no theory of life, no theory of society can be worked out as to communal life, in the same way that you can work out the science of mathematics, or of astronomy, or geology, or any science dealing with anything that keeps still.

But the question is, whether the theory of punishment, as opposed to the theory of non-resistance, is most in harmony with life, and tends to the progress of the world; whether human life in its slow evolution is going toward the theory of non-resistance, or is going toward the theory of violence, and force, and punishment.

If one looks back at the origin of the State we do not find that it had the immaculate birth that most people believe. It was born in force and violence. The strong took a club, and made a state for himself. It was a simple state, kept there by the force of the strong man's club and his will. From that it has gone on until it takes a good many strong clubs, together with a good many armies, navies, policemen, lawyers, judges, etc., to keep the state in order. But through it all has run the theory of force, and through it all the power has come not from the people who asked it, but from the people who took it because they were the stronger. In the beginning the chief preserved order and the law, by saying what should be the law and enforcing order himself with his club.

In modern society the controlling forces arrange

things as they want them, and provide that certain things are criminal. Sometimes those things have a semblance of natural crime, and sometimes not. The largest number of crimes are crimes against property. Sometimes you may trace them more or less directly to violation of some law that is in the natural world. But the fact is that the class which rules society come together and say what men must do, and what they must not do. And the man who violates it commits crime.

There are in society, and always have been, a large number of people, due mainly to conditions of society, who are what we call defectives; who are anti-social in their nature; whose life and conduct tend toward the disintegration of society, instead of the life of society. Very largely the treatment of crime is a question of treatment of these anti-social individuals. It is a question of treatment of those who persevere, in one way or another, in violating the rules of the game which society has made.

Way back under the Mosaic Law—and Moses did not have a patent on it either—but under the law of the world, the doctrine of an "Eye for an eye, a tooth for a tooth," prevailed. If a man killed another his life should be taken. If he stole something he should be punished. If he burglarized, then it meant something else, generally death. If he did something, the world would do something to him. And they would do that something that the world at that time thought was the right thing to do to him. In this way, even down to a hundred years ago, there were in England about two hundred crimes punishable by death. Almost everything that could be conceived was punished by death. And the lawyers, and

judges, and preachers of that day had no thought that society could hang together if men were not hanged regularly for stealing sheep and anything that happened. The old doctrine of an eye for an eye, and a tooth for a tooth, was the common doctrine of the world, and that doctrine prevails to-day.

All penal codes are really built upon that doctrine. When you trace penal codes back to the beginning, they mean one thing, and only one, i. e., vengeance. A man has done something. He has caused some one to suffer. Therefore society will do something to him. In the early stages, if some one slew another, the members of his tribe had the right to go and take the life of any member of the other tribe in return. It did not matter whether he had been guilty or not. It was the law of vengeance, the law of punishment—and punishment and vengeance have always meant the same thing in the world, no matter where it has been.

Punishments of crimes have always been arbitrary. One man would say that for stealing a horse the somebody stealing it should go to jail for thirty days. Another would say that he should go to the penitentiary for a year; another would say five years; and somebody else would say he should be hanged by the neck until dead. Punishments have never depended upon the act done, but upon the man who saw the act done and the mind possessed by the ruling power. Of half a dozen judges given authority to administer punishment for a certain act no two judges would administer the same kind of punishment. One would say thirty days, another thirty years; just according to the mind he has. Some judge

might give you less after breakfast than he would before. And another judge might give you more if he had attended a banquet through the small hours in the morning preceding, and did not feel well when he administered the sentence. All those things enter into it, and when you come to sum it all up, the real theory of it is a question of vengeance: The individual has done something. How much shall we do to him in return? How much will we make him suffer, because he has made some one else suffer?

Now, the non-resistant says, there is no such thing as crime, i. e., some of them say that. And they say that all punishment is bad, not heavy punishment alone—but all punishment; that man has no right to punish his fellow man, that only evil results from it; that the theory of vengeance and the theory of punishment is wrong; that it cures nobody, it does not tend to benefit society, it does not tend to change the defective, it does not tend to build up society. It is wrong and untrue in its whole theory; and the theory of non-resistance is the true theory as to crime. Whatever you may think of the theory, the world has been steadily going that way. It has been abolisihng the death penalty, until to-day in most civilized countries there are only one or two crimes punishable by death; and it is very rarely that death is meted out for those.

Punishment has been growing less severe, and the methods of inflicting punishment are less severe. Of course, in the old days when men were less squeamish and more honest they had their hangings in broad daylight. To-day we do not do it, not because we are bet-

ter, but because we are squeamish. We have hangings in the jail, so that the effects of the punishment will be entirely lost to the community.

Our terms of imprisonment are not so long. Our methods of treating the imprisoned are more humane. We sentence a man to prison. Of course, in the old time he used to be put into a vile place, where he would be half-clad and half fed, and where he would be covered with rags full of vermin, and where he would suffer all sorts of physical pain. To-day we send him to jail, and we have the jail steam heated and electric lighted. We have a doctor to take care of him if so, perchance, the penalty is death he won't die before his time comes; and if he is to be hanged he gets better food than he ever did before. So far as men are entrusted with the power of carrying out these provisions they do it as humanely as they can do it.

In the old times the insane were treated like criminals. They were locked up in cells; they were loaded with chains; they WERE criminals, because the rest of the world did not understand them. We have gotten over that. We have learned to treat them as human beings, and to treat them as those suffering from ailment, whereas once in the history of the world they were visited with the old law of vengeance, the law of force. The world some time will learn to treat all of its defectives, and all those who violate the code, the same as they treat the insane and the ill to-day. And we are learning it, more and more, every day.

The theory of non-resistance does not, necessarily, say that a man cannot be restrained, although very likely

that would not be necessary under any decent law of society. It is possible there are some who are so born, and have been so treated by society, that they would need to be restrained just as those afflicted with small-pox may be restrained in a hospital. But to restrain them and treat them until cured is one thing; to say that men because of some inherent wickedness deserve punishment is another thing. It would be absurd to restrain men suffering from small-pox and turn them out from a hospital in six weeks, whether cured or not. If hospitals were run in the same way as jails, we would send them up for thirty days; and if they got well in a week we would keep them there.

The whole theory of punishment, so far as there is any theory in it—and there is not much in it, except the idea of vengeance—but the whole theory, so far as there is one, comes from the religious conception; that some people are made inherently bad, that their minds are evil, or their soul for that matter, or whatever the intangible thing about them that makes them evil. And they deserve punishment, because they have a wicked, abandoned, and malignant heart. We always have to put that "wicked, abandoned, and malignant heart" in the indictment; otherwise it is no good. If he has that in his heart he can be punished. When twelve jurors and a judge get together, how can they tell whether his heart is bad or not? You could tell better if you dissect him. It goes upon the theory that man is apart from all the other beings that inhabit the universe; that he is a free moral agent; that he is a sort of a wild train running at large through the universe; that he is not governed by rules

and conditions like the rest of the universe about us. But that the Lord created him, put a mind in him, a good heart in some of them; a wicked, abandoned, and malignant heart in others; and sent them out to run wild independent of all the universe about him. And whenever the good people catch up with these wicked, abandoned, and malignant people then we punish the wicked, because intrinsically they are bad, because they chose the evil instead of the good. They could be better if they wanted to be better, but they did not chose. Society sends them to jail, just as brutal parents whip their children because they are bad instead of good.

As a matter of fact science and evolution teach us that man is an animal, a little higher than the other orders of animals; that he is governed by the same natural laws that govern the rest of the universe; that he is governed by the same laws that govern animal life, aye, and plant life; that free moral agency is a myth, a delusion, and a snare. It teaches us that he is surrounded by environment, the product of all the past, the product of the present; that he is here just like any other subject of natural law; and that it is not goodness, it is not badness, that makes him what he is. It is the condition of life in which he lives. And if he lives unwisely, if he is a defective, if he is anti-social, it is not that he chose it; but it is due to a thousand conditions over which he has not the slightest control. And the wise society seeks to change his environment, to place him in harmony with life. They know that they can only change the man by changing the conditions under which he lives; that good and evil, so far as he is concerned, do

not exist; that right and wrong are religious myths; that it is a question of the adaptability of the individual to social life, and a gradual change of the environment under which he lives.

With the state it is the same thing. The theory of force and violence applied to the state has drenched the world in blood. It has built great navies, and great armies. One nation builds a great navy and a great army, and destroys the resources of its people to build armies and navies. And another nation must build a greater navy and a greater army, because of the first. It makes of the people of the earth armed camps, and the stronger the one arms itself, the stronger must the rest. England builds her wonderful navy out of the toil of the poor, out of what should buy food for the men who produce it. And when she builds it, then Germany must build one as large, and so must France, and so must Russia build one, too. And of course patriotic America must build one. We need a navy for fear that a band of Senegambians might send a fleet to devastate Chicago some night. The theory of force and violence as applied to political states has built up the navies and armies of the world, and has caused most of the bloodshed of the human race. Is there any doubt but what nations would be stronger if they burned their battleships instead of building new ones? Can you increase the power of one nation by building ships, when you simply make others build larger? You never change the relative proportion, which alone makes the strength. If instead of adding to the navies the world over, we gradually got rid of them, the relative strength would be what it was before.

In industrial life it is the same thing. The reign of force, and the reign of violence, means competition, means industrial strife; is responsible for the greed and selfishness and avarice, for the fortunes of the great and the poverty of the poor. It is only in these later days, when the world is looking to something better, when they are learning that force and violence is wrong, that it is wrong that merchants compete and cut each other's throats and workmen compete against each other to show how much less they can work for; and that it is better to organize society on a co-operative basis where each man is to help his fellowman instead of fighting his fellowman.

The dreams of the world may be far off, and we must fit every dream to every reality. For the world is imperfect. But if, as society progresses, there shall one day be a civilization better than the world has known, it will be a society where force and violence and bloodshed and cruelty have disappeared. It will be a world of brotherhood. A world not of destruction, of competition, of violence, of hatred, of enmity; but a world of ho-operation, of mutual help, of love, of brotherliness; and that alone makes for the progress of the world.

Lewis' First Speech

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

You will hear from me a very different theory of non-resistance to the one which has just been presented. If I believed that the theory of non-resistance had been properly stated this debate would close at this point, because I have heard next to nothing from the lips of my opponent with which I am not thoroughly in harmony. Mr. Darrow is probably the first man to treat this subject as if it were a department of modern criminology, as if it were a matter of penal codes, a question of the punishment of criminals, their treatment in general, and the treatment of the sick, the insane, etc. These are tacked on to the theory by my opponent, but they have really no proper place there. In all that relates to the question of punishment of criminals I am in agreement with Mr. Darrow.

The subject of this debate is the theory expressed in the words: "Resist not evil." What is "evil"? Does it consist chiefly in the deeds performed by criminals, as my opponent seems to think? The criminal, according to Mr. Darrow, is not responsible for what he does; the evil goes further back than the criminal; it does not consist of what the criminal does, but of the causes which lead the criminal to do as he does. What are those causes? Let us go back to the causes of crime.

It will be agreed, I have no doubt, by my opponent, and I shall maintain it whether he agrees or not, that

the criminal is the product of society, that is, the product of a society which through the instrumentality of private property in the means of life shuts out the opportunity of some men to live honestly and decently. This is the prolific source of criminals. And if there is any evil in the criminal business in my opinion it must be laid not to the criminal, but at the door of society, especially at the door of the ruling class, which is responsible for the criminal. And the question of "Resist not evil" in this field, is not, shall society resist the actions of the criminal whom it has itself produced, but shall men who have been shut off from the means of life resist the society which has so shut them off? Shall they resist the ruling class which has monopolized their means of life, and left them face to face with starvation? Shall that ruling class—the existence of which is the real evil in the problem—be resisted? This is the question of resisting evil in my use of the terms. And I say, yes; we should resist this evil to the full extent of our powers.

I am going to give you another exposition of the origin of the theory, or doctrine, of resist not evil. This theory, like all other theories, has what the philosophers would call a sufficient reason, or, as the sciensists would call it, an efficient cause. Sufficient reason and efficient cause are back of most things. This is true of all theories, without regard to whether they are true or false. In fact we can only judge the merit of a theory when we know its cause. Theories do not drop out of the clouds. They are not communicated to men by divine persons who live outside the universe. They cannot be accounted for on the ground of spontaneous generation. Theories grow

out of the world of material reality, and social theories grow out of social phenomena.

The causes for the theory, put forward by Mr. Darrow, are hazy and indistinct, and lack historical precision, and do not go back to the origin of the theory itself. This omission on the part of my opponent I shall proceed to remedy. He has given us the names of the men who are responsible for this theory—Jesus Christ and His disciples, etc. I shall endeavor to give you the forces which caused the theory to be impressed upon the minds of the men who taught it.

It is generally supposed that progress is universal. So far from this being the case, the majority of the human race do not even understand the idea of progress. If it is explained to them they treat it with contempt. This is the mental attitude of all the people of the Orient. And this attitude the Orientals held in common with the ancients and with savages. Herbert Spencer, in his "Principles of Sociology," says:

> "Primitive man is conservative to a degree. Even on contrasting the higher races with one another, and even on contrasting different classes in the same society, it is observable that the least developed are the most averse to change."

Walter Bagehot, in his brilliant little book, "Physics and Politics," maintains:

> "Our habitual instructors, our ordinary conversation, our inevitable and ineradical prejudices, tend to make us think that 'progres' is the normal fact in human society, the fact which we should all expect to see,

the fact which we should all be surprised if we did not see. But history refutes this. The ancients had no conception of progress; they did not even so much as reject the idea, they did not even entertain the idea. Oriental nations are just the same now. Since history began they have always been what they are."

And the greatest of all authorities on this question, Sir Henry Sumner Maine, says:

"Vast populations, some of them with a civilization considerable but peculiar, detest that which in the language of the West would be called Reform. The entire Mohammedan world detests it. The multitudes of colored men who swarm the great continent of Africa detest it, and it is detested by that large part of mankind which we are accustomed to leave on one side as barbarous and savage. The millions and millions of men who fill the Chinese Empire loathe it (and what is more) despise it. * * * The enormous mass of the Indian population dreads change. * * * To the fact that enthusiasm for change is comparatively rare must be added the fact that it is extremely modern. It is known but to a small part of mankind, and to that part but for a short period during a history of incalculable length."

This opposition to change, which is dominant in the Oriental world, is responsible for the stagnation of the East.

Now, this stagnation is not without a cause, and the cause is not far to seek. We have only to read their literature and to examine their religions. These two are

really one—the great bulk of their literature is religious. The greatest and most widespread of these religions is that of Prince Gautama Buddha—Buddhism. To-day this faith rules the minds of five hundred million men, or one-third of the entire human race. It has enough in common with all the other Oriental religions to typify them all.

The first and most fundamental of the truths of Buddhism is one called the "First of Four Noble Truths." Four truths make up the system. That first truth is, that "everything is Misery." The ruling principle of the universe is evil. You cannot be protected and guarded from misery and evil. It is inherent in all things. It cannot be escaped, it cannot be eradicated, it cannot be changed. It is the absolute and supreme law of the universe. This is the first great dogma of the Buddhist religion.

The logical consequence of this belief in the supremacy of evil is that the word "sorrow" is a great word in the Buddhist faith. In fact the faith itself is summed up in the word "sorrow."

The second of these noble truths is "Sorrow's Cause," or the "Cause of Sorrow." What is this thing that is the Cause of Sorrow? In the estimation of the Orientals it is the thing modern sociologists call "desire"—the desire to escape and to overcome opposition; the desire to conquer evil, and to put in its place happiness and joy. The desire to do this is the one damnable thing in the estimation of the Orientals. He believes that evil is so supreme that any attempt to resist it is a waste of energy, and only leads to greater evils; therefore we should stamp out and exterminate all desire, all ambition, all enterprise, all

hope of defeating evil, we should crush all our yearnings and longings and wants and submit to it, practice resignation, renunciation, meekness and submission, bow to fate—"Resist not evil." Evil is so omnipotent that resistance is madness. Existence is so ruled by evil that the only salvation lies in escaping from life back into the peaceful realm of death. Edwin Arnold, in "The Light of Asia," expresses it thus:

"The aching craze to live ends, and life glides
Lifeless, to Nameless quiet, Nameless peace:
Blessed Nirvana, sinless, stirless rest—
The change that never changes."

And yet, this desire, which is the thing condemned by the Orientals, is regarded by Lester F.Ward, and all other great sociologists, as the main-spring of social progress. Without it no progress is possible. But, according to the religion of the Orientals, there is no triumph of religion until every possible tendency, every possible impulse, that could lead to progress, stimulating human advancement and the march of mind in the conquest of matter, has been stamped out, until progress cannot be possible in any direction; not until then have we reached the third truth: "Sorrow's Ceasing." The conclusion is: Life is not worth living; evil is triumphant; we must submit while we are here, and hope to get out of it as soon as possible.

This is the origin of the doctrine of non-resistance of evil. No matter what evil may attack us we must bow in our helplessness and say with the Mohammedan, "It is Kismet"—it is fate.

The Christian religion, of which the mythical Mathew was one of the exponents, is an Oriental religion. Some

of us may have forgotten that, but it is none the less true. We have corrupted it with Western ideas; that is to say, we have improved it by injecting some civilization into it. But it is none the less Oriental in all its leading features. Its petrified sacred books are just as much opposed to change as are all sacred books and all things Oriental. What horrible hells have been prepared and threatened to those who ventured to make any addition to the knowledge contained in the Scriptures. And the Hypatias, Bacons, Brunos and Ferrers who have dared to make any addition, and who have sought by the process of education to make their additions common property, have always found their Christian brothers ready to anticipate the so-called wishes of the Almighty, and pay them installments of hell in advance.

The theory of non-resistance of evil is based on theological religion. It flies in the face of all modern science. Back of it stands the dogma that the Maker of All Things must be all-wise. If evil exists in the world it can only be by His permission. Not a sparrow can fall to the ground without His knowledge; not a hair on a human head be hurt without His consent. Therefore, if cities are decimated by the plague it can only be because He is willing it should be so. The plague is evil. Nobody disputes that. But shall it be resisted? Not according to the doctrine of "Resist not evil." According to that theory, sanitation, drains, white-wash, and chloride of lime are inventions of the devil. The plague cannot be there unless the powers that rule the universe desired it. And any sanitation is an attempt to thwart the desire of these powers. And if the theory of non-resistance had not

been set aside, and if men of science had not set themselves to resist the evil of the plague, the black plague, like the white plague, would be still among our visitors. Lightning which struck public buildings and laid them waste could not do so unless the Maker of the Universe consented. Benjamin Franklin, who attempted to resist with the lightning rod was regarded as one of the advance agents of his Satanic Majesty.

The evils of disease and pain, supposed to have come into the world by the will of God, take various forms. Take the pain of women in child-birth, especially in extreme cases. That pain is evil. Shall we resist it?. Or shall we, because it is a creation of the Almighty, allow it to go unresisted? Some men said: Resist! They tried anaesthetics for women in child-birth. And the theologians said that was another attempt to thwart the Almighty, and under no circumstances should it be resorted to, until Dr. Arthur Simpson Young presented the preachers an argument they could not answer. Dr. Young said: "You forget I am only imitating the Almighty Himself, who before He took the rib from Adam put him into a deep sleep."

The essential difference between science and religion gathers around this theory. Science believes in resisting evil in all its forms. Science believes not only in resisting, but in trying to conquer and abolish evil of all kinds. This is the supreme aim of science. It is the very breath of life of modern civilization. Religion, theological religion, on the contrary, with its cringing submission to evil, meets with defeat just in proportion as science advances and knowledge spreads. All through the centuries

the attitude of non-resistance to existing evils has restrained the progress of the race. Science has been successful in the Occident; it has conquered, and it is pressing Christian theories to such an extent that the modern Christian cannot now even understand or comprehend his own doctrines. Where is the Christian who can see any sense, if he is smitten on one cheek, in turning the other to his assailant? Can you imagine a Christian in a restaurant running after a man who has taken his hat, to give him his coat?

Oriental ideas have become obsolete, and the doctrine of non-resistance along with them. Only here and there do we find a really clever man, like Darrow, ready to inflict an Oriental quietism on the pulsing, throbbing life of the modern world.

Christianity is largely derived from Buddhism. The Christianity of the New Testament just as surely took its doctrine of "Resist not evil" from Buddhism as it took its personal devil from the superstition of Persia. This theory of non-resistance has passed from Buddha to Christ, from Christ to Tolstoy, and from Tolstoy to Darrow.

Sometimes a theory, born in one society under given social and material conditions, if transplanted into another country and a different material environment, will die out. But if there happens to be something in that environment which lends color to it, it will live on indefinitely. This is why the non-resistance theory of Christ re-appears in the writings of Tolstoy. All Orientals have absolute monarchies. The monarch is all-powerful, and resistance to the evils of government is only another name for sudden suicide. The

Jews of the time of Christ were so ruled by the Roman broadsword that resistance spelled only extermination. And Christ gave the people the best advice he could have given them under the circumstances when he tried to persuade them not to resist. This condition is repeated in Russia, and it is chiefly for this reason that this theory makes its appearance in Russia. The Russian autocracy is so supreme and powerful that to resist it is only a way to a sudden grave. So the theory of non-resistance is kept alive in Russia, because it happens to harmonize with social conditions that prevail.

The great problem of America, and of Western Europe generally, is the problem of Capital versus Labor. We take our side with labor. Capital robs labor; and that robbery is evil. It is the crowning evil of the modern world. Shall we resist that evil? I say, yes. Darrow says, yes and no; practically, yes, theoretically, no. The truth of the matter is, there are two Darrows: A Mr. Hyde, of non-resistance; and a Dr. Jekyll, full of fight. These two have both gone into print. Darrow, the Oriental poet and dreamer, wrote this book, entitled "Resist not Evil." Darrow, the American citizen, ready at all times to help the laboring class resist any and all forms of evil that the ruling class may try to heap upon it, wrote this pamphlet: "The Open Shop." The motto of this pamphlet is: "The cause combatted for is yours. The efforts and sacrifices made to win it should therefore be yours." Darrow, the man, who wrote this pamphlet is always engaged when the unions get into a tight corner. Why do you suppose they engage him? Because he is a non-resistant, and does not believe in re-

sisting evil? They engage him, because they know that in spite of his acceptance of a dreamy, poetic theory he is as full of fight as a mountain lion, and will not give up until every weapon has been tried and the last possible blow is struck. I will read one or two passages from "The Open Shop." He says, speaking of unionism, that:

> "Individually the man is helpless (the trade union has furnished the common workman the one institution to which he can look for friendship and protection; the one body on which he can rely for the redress of his grievances, and the protection of his rights, and if society were to remove that protection and safeguard, and cut the workman off from his fellows), and leave him to fight his individual battles against the great combination of capital for which he works, it would leave the laborer stripped and naked to commence his long and painful journey back to serfdom once again, and when he starts out upon this road, the great mass of men whose independence has been won along with the workman's struggles, the great middle class, must go back with him."

If you resist not evil, and the unorganized worker fights his battles alone, that means back to serfdom. This is the Darrow of the twentieth century. Again he says:

> "The history of trade unionism—as, in fact, the history of the rise of the common people toward the measure of independence they now enjoy—is one long tale of struggles, defeats, and victories, and every single step in their progress has been against the most stubborn opposition and at the greatest cost."

He has the following to say about the "scab":

"The very reason that keeps men from joining the unions of their craft makes them more servile and cringing to their employers; makes them ever subservient to his demands. They have learned well the lesson of the masters that to thrive you need only work hard and do all in your power to get the good opinion of your boss. So this class is ever ready to submit to encroachments; to take longer hours; to consent to poorer conditions; to make no trouble over unsafe tools, and to even let their wages be reduced."

These are the views of the fighting Darrow. Darrow the non-resistant has no say in this pamphlet.

In this debate you have your choice of two opposing philosophies. Mr. Darrow offers you the philosophy of the Orient; the philosophy of non-resistance; the philosophy of resignation, renunciation, helplessness, submission, and despair—the philosophy of eternal stagnation. This philosophy of stagnation is the mental reflection of the stagnant life of Asia, and, in its turn, it acts as a preservative of the stagnation which gave it birth. Japan alone, of all the Asiatic nations, has broken this long trance and thrown off the paralyzing stupor; and this because she has responded to the example of those energetic, innovating, evil-resisting westerners, who are still regarded by China as "foreign devils."

On the other hand I offer you the philosophy of the Occident; a philosophy of the resistance of evil in all its forms. The offer is somewhat belated as you have already accepted this philosophy. By it you regulate your daily lives. If you did not, civilization would drive you to the open sky and a diet of roots and acorns. My

opponent himself has accepted this philosophy of progress and action with all that part of his brain which enables him to live and breathe and maintain his being in the metropolis of the western world. In the interior of his skull the theory of non-resistance occupies only that isolated corner where the convolutions are less deep and more rudimentary, the corner which is responsible for some of his literary productions.

In the days when we had not as yet grasped the real significance of the awakening of Japan we were greatly alarmed by the "Yellow Peril." Our alarm had its basis in the fear that the East would overrun the West; that the world would be conquered by a race which would offer no resistance to the evils of oppression and exploitation, a race that would slave from sunrise to sunset for a handful of rice.

In vain will my opponent endeavor to shake off this antithesis of Occident and Orient. You cannot travel backward upon the path that marks the genesis of his theory without discovering its Eastern birth. Darrow is a self-confessed disciple of Tolstoy. Tolstoy's country is on the borders of Cathay. Russia finds herself caught between white and yellow; and her perpetual problem is: shall she stay back with the East or go forward with the West. Tolstoy and Darrow are, again, both disciples of an Oriental mystic, himself largely a mythical character, for whom the scenes are set at the eastern end of the Mediterranean, northeast of Egypt, southeast of Turkey —further east than either. The teachings, parables, miracles, and legends attributed to him, and recorded in the New Testament, of the non-resistance theory is an inte-

gral part of the intellectual baggage of the dreamy, credulous and uncritical East.

America, of all the Western countries, is the farthest removed from the soporific influences and submit-to-evil attitude of the Oriental, and my opponent should have learned long before this that his theory of non-resistance to evil has no present, nor any future, in this country. The English poet Tennyson, in "Locksley Hall," contrasts these two positions, and like a true Westerner decides for a progressive, evil-resisting civilization, and against the intellectual paralysis of Orientalism and savagery. He begins by painting Oriental life in glowing colors and extolling its apparent advantages:

* * * "Ah, for some retreat
Deep in yonder shining Orient where by life began to beat.

"There, methinks, would be enjoyment more than in this march of mind
In the steamship, in the railway, in the thoughts that shake mankind.

"There the passions, cramp'd no longer, shall have scope and breathing space,
I will take some savage woman, she shall rear my dusky race.

"Iron-jointed, supple-sinewed, they shall dive, and they shall run,
Catch the wild goat by the hair, and hurl their lances in the sun;

"Whistle back the parrot's call, and leap the rainbows of the brooks,

Not with blinded eye-sight poring over miserable books."

Then our poet shakes himself out of his day-dream and swings back to the world of modern, progressive, social reality:

"Fool, again the dream, the fancy, but I KNOW my words are wild,
But I count the gray barbarian lower than the Christian child.
"I, to herd with narrow foreheads, vacant of our glorious gains,
Like a beast with lower pleasures, like a beast with lower pains!
"Mated with a squalid savage—what to me were sun and clime?
I, the heir of all the ages, in the foremost files of time.
"I, that rather held it better men should perish one by one,
Than that the earth should stand at gaze like Joshua's moon in Ajalon!
"Not in vain the distance beacons; forward, forward, let us range.
Let the great world spin forever down the ringing grooves of change.
"Men, my brothers; men, the workers, ever reaping something new
That which they have done but earnest of the things which they shall do.
"Through the shadow of the globe we sweep into a younger day:
Better fifty years of Europe than a cycle of Cathay."

Darrow's Second Speech.

As near as I can find out the question, with my opponent, seems to hinge on a pedigree. I have seen some mighty poor things have good pedigrees. I never looked up the pedigree of non-resistance, and I do not care. It may have come from Asia, or from Africa, or from Europe. I do not know where it came from. I have an idea, though, that almost every prophet, and seer, and humanitarian the world over have always had a glimmering of this truth, and have taught it more or less in their philosophy; though they may not have practised it. For it is one thing to believe a thing, and another to work at it. But they have seen this vision, believed it, and wanted to help it along, and looked forward to the time when it shall be the rule, I have no doubt whether in Europe or in Asia. The real teachings of all the great men in the world have not been so much different, because after all men's thoughts come from their own conservativeness, what is inside of them—not what is outside of them. Two men see the same things, and yet they think different thoughts. That is due to the character of the mind. Prophets the world over have had rather similar thoughts, the teachings of Buddha, Confucius, Christ, and the really great teachers of the world have been wonderfully alike, and where the doctrine came from has nothing whatever to do with it.

My friend tells you in one breath that there is a small corner in my brain where I believe in non-resistance—and from that I have written this book. In the other he

tells you that he agrees with everything I have said. Now, if he agrees with all I have said on the subject of non-resistance, and all its inferences, then all there is left is a question of definiton. I do not care anything about his definition, nor my definition. And yet I think all men who have claimed to believe in it have given it the same definition. I have never read that it meant that one could not take a bath, or that one could not cure himself of a disease, or could not wear clean clothes. That has nothing to do with non-resistance.

The doctrine of non-resistance is, as a doctrine, opposed to force, violence, and punishment; and is a doctrine which teaches that the law of love is the right law of human action rather than the law of hatred, vengeance, and punishment. You may say that you can carry this theory into plant, and into animal life. But all this is largely in the realm of speculation. A man believes many things as to society, and as to human life that he cannot demonstrate, and that he can only see as visions before him of what he thinks a regenerated race will do, or some time become. You cannot apply it to all animal life, to all plant life, and to all human life, and say that if one individual should drop down into a society filled with strife and discord and combat he can live an ideal life and be governed by the rules which will one day govern the world. This fact in no way shows that this is the true rule of life, and in no way shows that the theory is the wrong theory.

Society to-day, as ever, is a mixture of the life of individual men. It is a mixture of the good and the bad, broadly speaking. It is a mixture of co-operation and

competition; it is a mixture of hatred and fear; it is a mixture of war and peace. The world has evolved from the lowest order. It is still evolving. Is there any doubt with anybody that believes in evolution that as the human race evolves it will leave war, murder, and bloodshed out; and that it will cling to co-operation, peace, and harmony, and love? If it does not do this, it will not evolve? That is what evolution means. Neither man individually, nor man mixed up in society, is able to demonstrate or exemplify this. All he can do is to go toward it, and be as sure as possible that he is on the right road, and that so far as in him lies he is helping the world to go the right road.

Maybe there are inconsistencies in this philosophy. It may be there are inconsistencies in those who preach it and talk it. Perhaps you can take some of my writings and find some that is inconsistent. I have talked too much to make it all consistent. But if you can find some inconsistent thing that I said you would have no more right to say that makes the theory wrong than to say Benjamin Franklin was a lunatic because he thought that he could keep off lightning with a lightning rod. That was a part of the witchcraft of science.

The theory is scarcely disputed by my friend—the theory, in all that it implies, is scarcely disputed. The theory has been promulgated as against the cruelty of society, as against the doctrine of "an eye for an eye, and a tooth for a tooth," which is prevalent.

He tells you this is the Christian doctrine that I am teaching. I wish it was. That is, I wish the Christian doctrine was this doctrine. Did you ever hear a

preacher who preached it? Did you ever hear of an orthodox preacher who would not let go of the church before the jail? Would they give up punishment? Would they give up force? Don't they love the penitentiary more than the chapel? Did you ever know of one praying that a man should not be punished; or forgiving him his faults, or not criticising him for what they considered his errors. It is not the doctrine of the Christian church at all. It is the opposite. But if it is not the doctrine of the Christian church neither is it the doctrine of China or Japan, except of a few of the wise, and great, and good, who there, as everywhere, saw what the rulers of the world have never seen, who felt what the cruel have never felt, whose minds had the imagination to feel the sufferings of their fellow men, whose hearts were so tender as to make them feel the heart throbs of the weak and poor and the suffering. But China, Japan, India, and the whole world have been ruled by hatred. They cut men's heads off in China. They send men to prison as punishment. The great religious teachers may have believed one thing, but their religious rulers have ever practised another thing. Force is the essence of government. Every government upon the face of the earth has been over the protest of the weak and the poor and of those who felt for the weak and for the poor.

Almost all men in jail believe in non-resistance. In a way they are, generally, not wise and great. They have not had the time and the money to be wise and great. But all of them have an instinctive feeling as they look back at their lives that they have had to

do just as they have done. They might look at the acts that placed them where they are, and into every one of the devious places that they have trod down from their cradles to the present, and they can see thousands of circumstances which held them in the grasp and made them what they are. And they know they are not to blame for their position. They know in their hearts that the whole theory of punishment is wrong, the whole theory, though it is the theory upon which the world goes to-day.

If brother Lewis has been converted to the theory of non-resistance, in the penal code, I wish he would go to work and convert the rest of the world, for it needs it. There are only a few who have been converted to it. All the governments have been built up upon it.

What is true of jails and penitentiaries is true of the state. Men have practised force. They seem to forget that in the thousand activities of human life we go about our affairs automatically; that men turn to the right when they meet on the street, and that they go round each other the proper way. They live together automatically in most of the affairs of life. But they still seem to think that the great weight of the club, and the great power of the jail and prison, must be used or the state must fall to pieces. And so we build our armies and our navies, and make our penal statutes, and our cruel punishments, and the whole world believes in them—and the whole world practises them.

I believe with my friend that the great problem to-day is the problem of capital and labor. But how is that effected by the theory of non-resistance?

Those who think that non-resistance is a milk-and-water-theory have got another guess. It is not. I was talking the other day with a man who had been a Colonel in the War. I said: "I do not know how you could get up courage to go up in the face of cannons and bayonets and take your life in your hands." He says: "I did it, because I was too big a coward to run away." And that is why most all men go to war. They are too big cowards to stay at hoem. That is why men fight. They are too big cowards not to fight. Do you think it is a brave man who fights; or is it the brave man who does not fight? I will show you ten thousand men who are willing to go up in the face of hostile cannon, where you cannot find one man who will take one stick of criticism in a daily newspaper. There is not anything on earth so cheap as physical courage. Why even a bull-dog can fight, but it has not got much brain. Fighting has nothing to do with the labor question, or with the question of capital and labor. How is it applied to the question as it exists to-day.

In order to change social conditions you say you must get rid of the ruling class, by force or some other way—one way or the other. Now, the weak are the poorest ones in the world to fight. They have no guns; the other fellow has them all. They have no organization. They have no chance in a fight. But they can fight. Workingmen of to-day can fight. If all of them would refuse to work or the great majority would refuse to work and enter into passive resistance—non-resistance—quit feeding the race; that is all you need to do. You cannot, of course. Wait until you can. You can get a small

minority to arm themselves with brickbats and guns. What happens? You are sending a small force, poorly armed and equipped, against all the power of the state, and you cannot succeed, and you never have suceeded.

The only force that can win is determination, non-resistance, peaceable force. There is such a thing as peaceable force that is more forcible than forcible force.

Let me give you a few illustrations. What makes life? The cold, hard, stern winter; or the sunshine and the warm rain of the summer and the spring? The one means death, and the other means life. Repression and death go together. Love and sunshine and life are born together. Do you want to change the conduct of men, whether grown individuals or children; take a child and whip the child, can you change his conduct? You may change his conduct, but can you change his heart? Conduct is only the outward manifestation of the inward individual. To change the individual you must change the heart, and then the conduct must be free. Can you cure hatred with hatred? Everybody knows it in their own life. You may force men against their will to do certain things, but their heart is a seething mass waiting for a time when they may accomplish other things by violence. Do you think you can do something for a man by sending him to penitentiary? Gentleness is the law that makes life. Cruelty and hatred and coldness is the law that makes death. The question of non-resistance or resistance means a choice between those two laws.

Lewis' Second Speech.

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

I wish it to be clearly understood that so far I have

said nothing intended to express any agreement with Mr. Darrow as to the merits of the theory of non-resistance; but I reassert that I have no fundamental dispute with my opponent on the subject of criminology.

Mr. Darrow evidently believes that nobody ever supposed that Christianity, with its theory of non-resistance, meant the non-resistance of that form of evil called disease. The modern christian will agree with Darrow. He is a believer in baths and sanitaiton; but it was not always so. The founders of his religion regard disease as due to the possession of devils as the New Testament amply shows. With them medical science counted for nothing and was discouraged. Their only cure for disease was an appeal to a being who had power to compel the devils to vacate human and other bodies. Medical science has only reached even its present unsatisfactory position in the teeth of theological opposition and a modern christian has only accepted scientific theories of disease because they have been thrust upon him by the progress of knowledge—a progress that was bitterly fought by his historic church. Religious opposition to cleanliness and sanitation furnishes an instructive chapter in history—a chapter which my opponent has evidently left unread.

One of the chief arguments in Mr. Darrow's last speech, as in his first, is his assumption that the theory of non-resistance is a modern product—a crown and flower of recent thought. The exact opposite is the truth. This theory belongs essentially to the ancient and primitive world. It has wide acceptance where evolution is unknown. It is as widely rejected in the modern

western world where the theory of evolution is solidly established.

Force, in the estimation of my opponent, is always bad, and here I think he is wide of the truth. I will freely concede, and, if need be, maintain that the force used by a ruling class to oppress and rob a subject class, is evil. Such oppression and exploitation is very properly described as evil. This may be well described as aggression, and this class aggression is not a supposition; it is the central fact of present civilization. The question is: Should this evil be resisted? I say yes. Such resistance is the life-breath of human progress, and non-resistance, as I have already shown by my opponent's own pamphlet would lead us back to the dark ages. I am, as a Socialist, unalterably opposed to the aggression of a class, and a whole-hearted believer in resistance to that aggression. If a despotic nation seeks to tyrannize over a neighboring people because the neighbor is giving dangerous examples of the advantages of free institutions, while I would condemn the force so employed, I would applaud the force used by said neighbor if it should resist the tyranny. I am a believer in non-aggression, but opposed to the non-resistance of aggression. There is an important difference between non-aggression and non-resistance—a difference, however, which has played no part in the thinking of my opponent.

One of the points in my opponent's position seems to him to defy any contradiction. This is that whatever may be the practical shortcomings of his theory as remedy for present evils, at least it is ideally correct and will be the governing principle in the more enlightened

society of the future. I regret being obliged to disappoint any expectations he may have of my acquiesence in this proposition. It is highly probably that society will not for some time rid itself of all forms of evil and of course the statement of the theory: nonresistence of evil implies the existence of evil which is, or is not, to be resisted. I cannot conceive of a society in the future adopting as a working principle so suicidal a theory as the non-resistance of evil. Any society persisting in such a policy would eventually disappear in the struggle for existence. Unceasing resistence to evil in all its forms is the first condition of human progress.

A long and profound acquaintance with the practice of law has taught my opponent certain rather clever methods of getting out of tight places. And so we are calmly informed that there is a kind of force that is not forcible, and certain forms of resistance that do not resist. Passive resistance, for example, is not resistance at all, despite its being called such. It seems to my non-legal intellect that force which is not forcible cannot properly be called force, and the quality of resisting must be present in all forms of resistance whether it be called active or passive. Contradictions of terms may serve as argument in the courts but not in this debate.

It is a very excellent commandment which says: "Thou shall not steal." Stealing is a form of agression, especially when it is practiced by the strong against the weak; and the great bulk of real stealing is of this order. Darrow will admit that the stealing by the ruling class of the wealth produced by the working class is real stealing, and he is no doubt as willing as I am

to say to that ruling class: Thou shalt not steal. But suppose they ignore the injunction. What shall we do? Shall we allow their stealing to go unresisted? Our only course, it seems to me, is to fall back on the principle enunciated by Carlyle: There are two parties involved in any theft, the thief and the victim. If the robber pays no heed to our protest we must turn to the robbed worker and say: Thou shalt not be stolen from. People who allow themselves to be robbed when they could prevent it by resisting, have small claims to sympathy.

One of the aspects of non-resistance which damns the theory in my estimation is that it is so thoroughly in harmony with the desires of the ruling class.. I cannot conceive that tyrants of any kind could wish anything better than that the evil of their oppression should go unresisted. It hardly seems probable that the existing possessing class will give up without a bitter struggle and a non-resistant working class would be doomed to perpetual slavery.

Mr. Darrow seems to regard the state as having existed almost from all eternity. He regards it as a product of savagery. In this he is altogether mistaken. If the anthropologists are to be believed, the state is only about five thousand years old, while primitive communism, which had no state, endured for approximately one hundred thousand years.

The state dates from the break up of communal property and the beginning of private property in land. The principle of private property was extended to all means and modes of production as they developed and the state grew in power and importance as a conse-

quence. Back of the state stands private property in the means of life. Capitalist property is the root from which the army, navy and police systems come forth. The state is a citadel built around capitalist property. The state is the grand weapon wielded against the workers whenever they grow restless under their heavy burdens.

Resistance to capitalist exploitation must begin at the state. The state, as a class instrument, must be wrested from the hands of its users, not to be used by its new owners to oppress others, but in order that it may be abolished. The abolition of the state is the historic task of the working class. This task can never be achieved by quiesence and non-resistance. It can only come as the result of long hard struggle. This sense of the necessity for resistance is already part of the worker's mental processes. He cannot comprehend the meaning of non-resistance. The thing looks futile on the face of it. He must fight back at all costs. The unions are founded on this idea. The future of the working class depends upon its ability to successfully resist oppression. Liberty and struggle are inseparably linked together. A struggling, evil-resisting working class is indispensible to future progress of the human race.

Third Speech of Mr. Darrow.

I am not in the least interested in winning. It will make no difference to me who has the last speech, or who wins.

Now, it is very evident that my friend's definition of

non-resistance and mine are not the same. Perhaps this will prevent this audience from getting its money's worth. I do not know. But if you get any ideas it does not make any difference.

I do not understand non-resistance to mean that you cannot fight disease, or destroy bed-bugs, or take baths, or indulge in passive resistance. I do not think that anybody who has ever preached or taught non-resistance understood such a thing. Now, if non-resistance does include it, then I do not fully believe in non-resistance. I do not propose to run a theory down a blind alley just to hang on to something.

I think a man is not obliged to keep on working in order to practice non-resistance. He can sit down and rest if he wants to. And if all workingmen chose to sit down and rest, instead of working to satisfy the needs of the race, I would consider that was passive resistance, non-resistance. I am not in the least required to work.

Neither will I admit that non-resistance is a religious doctrine, except as the word "religion" might mean something it has never meant in practice. It might mean an aspiration for a higher form of collective life, which it has never meant. It has always meant, a scheme for saving man's soul. But in that sense non-resistance has had nothing to do with it. Certainly these monks were not non-resistants. Because when the world was covered with the Dark Ages of religious belief and lack of intelligence, we had plenty of wars and plenty of Christianity. And the greatest wars the world has known have been fought on account of religious beliefs. Upon one side were the non-resistant Christians, and upon the other were the Mohammedans and other religious sects.

It has never been any substantial part of the Christian religion. Now, of course, here and there great souls have been illumined with this thought and have taught it. But a religion is one thing, and a religious machine is quite another thing. And the religious machine has not only believed in resistance in this world but in the other, too; neither of which I believe in.

Whether non-resistance leads to pessimism does not interest me in the least. At least it is an open question. I believe the world is divided into two classes: the pessimists and the weak-minded. I am inclined to the pessimist side. But what that has to do with non-resistance I do not know.

My friend says he believes in non-aggression, but not in non-resistance. My friend is not a lawyer, but he acts like one.

When a couple of lawyers, twelve jurors, a judge, a bailiff, a lot of newspapers, and a religious public opinion send some poor devil to jail because he has stolen something society says they are practicing resistance to evil, because the man is a thief. My friend says that society is practicing aggression. From society's standpoint it is resistance to evil. It is dependent on the standpoint. I believe that is aggression. Society is engaged in what it believes resisting evil. They say, here is a man that has stolen something—violated some rule of the game—and we resist it by force, and we punish it. They call it resisting evil, and say it is wrong. It is wrong to commit aggression upon that man. If he stole, society is responsible, because under the arrangements of society that is the best profession he can get. Or else you) might) say) with) Mr. Lewis that evolution

is responsible for it, on account of the way it shaped the skull, and the shape of the skull made the brain direct what he did. In any event, to harm a hair on his head, to inflict any pain or suffering upon the man, is wrong, and not conducing to the highest moral and physical development of the human race. The theory of resistance, and the practice of resistance of visiting force and violence and suffering upon your fellow man, is an evil theory, and can only produce evil results, near and remote, wherever you may find it.

He says the commandment: "Thou shalt not steal," is no more sacred than the commandment: thou shalt resist stealing. It is just as incumbent on us not to permit stealing. True, under the moral code it is. But what are you going to do? Of course, nobody knows what stealing is. It is purely arbitrary. For a few men to fence off the earth and for another man to go over inside the fence and take something away is stealing, under the rules of the game. It is stealing from one man's standpoint, but not from that of another. The men who fence off the earth, they say the man who comes over is the thief. Mr. Lewis says the fellow who goes there should resist the other man. And society says, the man who fenced off the earth should resist the other man. It is a question of standpoint. If you admit either philosophy, then both have the right to resist, and it is a question of force, and violence, and punishment; and the question resolves down to this: under which way can justice be the best and easiest obtained.

He says he believes in force for the working class. It has always been the same story since the world began,

and will be so long as the world lasts. Who will win? Will it be the rulers, fitted and equipped with guns, ships, policemen, and with jails; always equipped for war? Or will it be the poor, the weak, and the disinherited, who have nothing to fight with.

I would not be so much opposed to force if I thought it would win. But I have seen that game tried so often that I know better. I think I know—that you cannot get justice that way. And suppose you could. Suppose the working class could turn society over, which they cannot—but suppose they could—and that they got the guns and cannons and swords, and they were the state. then what? Do you think they would do any better? I know them too well. Let me tell you. While the Socialist Party—I have nothing against that, except there are not enough of them vote the ticket—while they cannot muster a corporal's guard—every fellow wants to be the boss, and every fellow wants to make charges against every other fellow, and talk about him, lie about him, and gossip about him worse than a lot of women in a sewing society, and use all kinds of tactics to defeat him, and if they were running it they would not last as long as a snowball, not until they learn something. They would be just like the rest. They have got to learn that the whole campaign is wrong. They have got to learn that punishment is wrong: that resisting evil is wrong. They have got to learn the fundamental things, charity, humanity, brotherly love, which is the basis of all of it.

Do you think all the trades-unionists are angels? If you do think it over again. They are not. There is a lot

of them that are ignorant; some of them are brutal, and some of them are grafters.

Do you think if you stood society on its head, and gave them the guns, that all would be peace and harmony and loveliness; and that we would then practice non-aggression, if not non-resistance? No, you would be just where you were in the French revolution, where as soon as they got rid of the heads of the nobility they commenced cutting off each other's heads. It is what the whole thing leads to. It is in the theory of life as applied to the practice of man; to the doctrine they believe, and the life they live.

Do you believe in cruelty, in punishment? Do you use your tongue to condemn men and women? Do you use your efforts to get them in jail? Do you believe in punishment? If so, do you think your life and conduct conduces so well to civilization as the life and conduct of him who does not use his tongue and pen in that way? Or is the other theory right? Is the theory of love or hatred right?

My friend is wrong when he says that all strife comes from capitalism. It lurks in the human heart. It is part of the savage. It is in the beast, from there to man. You may go back to Egypt in the early scrolls and in their tombs and find the man with the spear, and the savage fights as much as the civilized. War comes from the brute, and if civilization means anything it means getting the brute out by teaching something higher.

My friend talks much about evolution. Of course I believe in evolution. Everybody does nowadays who has any sense, and that is not so very many. Is

evolution war, or is it peace? Is the tendency toward war or peace? Why, the higher the race goes upwards, the more it co-operates. There is little co-operation in plant life; there is none, except one to feed upon another. There is little co-operation in animal life; little in the lower orders of man. And what men of vision and insight and inspiration are hoping for is the time when the human race will thoroughly co-operate, when each person will not be seeking only his own good, but the good of every other man. Evolution will not be complete until war and strife and competition is banished, and co-operation and love, and fellowship shall take its place.

Closing Speech by Lewis.

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

We are now informed that non-resistance is not a religious theory. Perhaps Mr. Darrow does not regard the New Testament, from which he took his text this morning as a religious book, or Jesus Christ as a religious character, or christianity as a religion. Whatever I may or may not have have done I have clearly shown this theory to be an integral part of the religious systems of the Orient.

When workingmen are not satisfied with the terms offered by their employers they must decide what is to be done. If they decide to stop working their act is described by Darrow as an instance of non-resistance. Darrow's claim cannot be sustained. If the men decide not to resist their employers they go on working. They only strike when they are determined on resistance and, in their estimation, the strike is a weapon used in a battle.

My opponent can gain nothing by calling this "passive resistance." So long as it is resistance of any kind it belongs to my side of this argument.

Mr. Darrow freely admits that society is the real aggressor in the case of the criminal, and the real evil is to be found in the behavior of society. The question of non-resistance here is: Should the individual who is denied an opportunity to live honestly by vicious social laws respect those laws and die without protest; or should he, claiming that life is above law, break through the meshwork and try to live despite the laws. According to the theory of non-resistance the individual in question should die quietly. Even Catholic theology is superior to this; the Catholic Church has always held that a starving person should steal both as a right and a duty. True, Catholics have perhaps never encouraged the practice of this precept except in the case of Cardinal Manning in the London dock strike.

Darrow would be willing for the working class to adopt force if he thought it would succeed. This is a frank admission of the validity of the argument I presented in my opening speech. Christ believed in non-resistance because he saw the strength of Rome. Tolstoy took the same theory because the Russian autocracy seemed impregnable. Darrow follows them in theory because he believes that in a trial of strength the workers would inevitably be worsted by their masters. Once more we see, this time Darrow's confession, that the philosophy of non-resistance is the philosophy of despair.

I believe in resistance. To me the hope of the workers lies in the successful issue of the class struggle. Not

the despairing Tolstoy but the courageous Marx has grasped the principles which will carry the workers to their desired goal.

The weakness of the working class is apparent rather than real. What the workers lack is not strength but intelligence. Once the worker has a real grasp of the real strength and significance of his position the bulldog and lapdog illustration will be reversed. The worker builds the cities, runs the locomotive and the steamship, maintains industry and thereby feeds, clothes and houses the inhabitants of the globe. Like Atlas, he carries the world on his shoulders. His strength is moreover steadily increasing. The capitalist class on the other hand is degenerating. The great capitalists were in many respects great men; but when their sons realize that they are beyond economic want by reason of papa's millions any strength or character that might have been forming oozes away and they become stage-door Johnnies. The workers in the final struggle will not measure blades with the real organizers of industry but with their purely parasitic, hare-brained and nerveless descendants.

Social evolution is paving the way for a new social order, an order in which there shall be no state because there will be no subject class to be kept down.. That new order will owe its birth to the long travail of the working class; it will mark the culmination a long story of resistance to the evils of class oppression. Then shall we close the first book of the history of the human race, a book saturated with the blood and tears of the workers of a thousand generations; we shall open a new volume and begin to write the first chapter of human liberty.

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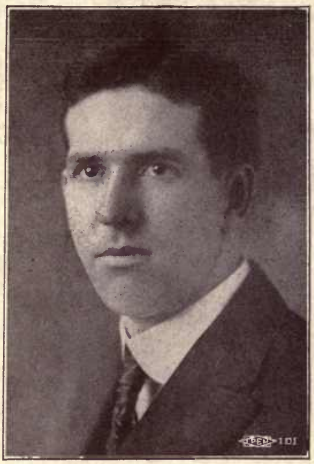

PROF. JOHN C. KENNEDY

The Darrow-Kennedy Debate

on

"Is the Human Race Permanently Progressing toward a Better Civilization?"

"Is the Human Race Permanently Progressing toward a Better Civilization?"

Affirmative:
Professor John C. Kennedy

Negative:
Mr. Clarence S. Darrow

Mr. Arthur M. Lewis
Chairman

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at the
GARRICK THEATRE, CHICAGO, ILLINOIS,
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Mr. Lewis: This debate this afternoon is between two friends of this Society, whom you have heard before. It has some direct relation to a preceding debate. Our friends both came to the conclusion that their various points of difference belonged in the domain of the philosophy of life and society. So this afternoon they are going to discuss the question as to whether or not the human race is permanently progressing toward a better civilization.

Our friend, Professor John Curtis Kennedy, who was professor for some time at the University of Chicago and who is now alderman of the 27th ward, will take the affirmative; and our oft-tried and always loyal friend of this Society, Mr. Clarence S. Darrow, will take the negative.

This will be the last time we shall be able to hear our good friend Kennedy on this stage for some time. I do not suppose we can hear him next year. He is going to ramble around the world and see what is doing—and, of course, there is a great deal doing, now, and I would not mind going along with him. I am sure we shall all regret his departure as a loss to the city of Chicago, and a loss to us, but I am sure we all hope after he has been away awhile he will feel a longing to return, and will reappear in our midst. And I can promise him when he does return, if he decides to, that we will give him a royal reception.

I shall now call upon Mr. Kennedy to open the debate.

PROFESSOR KENNEDY'S FIRST SPEECH.

Professor Kennedy said: Mr. Chairman, Mr. Darrow, Comrades and Friends: Lester F. Ward has defined social progress as, "Whatever increases the sum total of human happiness." For the purpose of this debate I am willing to accept this definition given by Mr. Ward and to endeavor to show that social evolution has been following along lines which, on the whole, have been increasing the sum total of human happiness. There are certain conditions which I think all of us will agree to be necessary for the advancement of human happiness.

In the first place, for most of us, at least, it is necessary to have a good subsistence, to have the necessaries of life before we can enjoy any great amount of happiness. We must have plenty of food—a variety of food; must have adequate clothing and shelter. These are fundamental requisites for happiness for the masses of the people.

Then, again, we need freedom; freedom to pursue some line of activity which gives us satisfaction; freedom of thought; freedom of expression; freedom to develop our personality so that our various talents and capacities will have an opportunity to manifest themselves.

In addition to this freedom, if we are to enjoy happiness, I think most of us must have leisure—we must have the time to enjoy the fine arts, to enjoy music, sculpture, painting, literature, the drama—we must have the time, opportunity and means to travel and enjoy the beauties of Nature.

These are some of the requirements of happiness for the human race. And just insofar as any civilization makes it possible for an increasingly large number of people to get the necessities of life, to enjoy freedom, selfexpression, to participate in the fine arts, and enjoy the fine arts, I would say that we are making progress toward a higher civilization.

Now, there have been a number of civilizations concerning which we have a great deal of recorded history. Most of those civilizations have gone through certain stages of evolution. As a rule they originate in what is known as the stage of savagery. After many years the peoples of these various civilization succeeded in rising above that stage of savagery into a condition called barbarism. Out of barbarism they grew into what is commonly called civilization. Such has been the history of the Egyptian civilization, for example, which existed for some five or six thousand years that we know of. Such was the history of the Babylonian civilization, which existed three or four thousand years. Such was the history of the Greek civilization which existed for a shorter period, perhaps, only for a thousand years, and the Roman civilization which existed for only about a thousand years.

Such has been, in a large measure, the history of the civilization in which we now find ourselves which might be called the Anglo-Saxon, or Germanic civilization, reaching back to the Anglo-Saxon or Germanic tribes. The civilization which has been developed in the Western European countries and in America has been a civilization which took something from all the previous civilizations—some of the good points and some of the bad points from each.

As a rule all of these civilizations have gone through practically the same course. They have originated in savagery and have developed, stage after stage, to something approximating the kind of a civilization which we now enjoy. And if it were true that recorded history simply showed that this process was being repeated over and over again, if it were true that the peoples in different parts of the world started in savagery and ran the gamut up to a certain form of civiliza-

tion and then lost everything, and sunk into savagery again, and had to make way before another group who were savages —I think if that were the case, Mr. Darrow might very fairly maintain that there was no permanent advancement in civilization; that there was simply a certain cycle through which people run and we will suffer the same fate that other peoples have in previous historic epochs. But, in my opinion, the histories of peoples do not sustain that position.

So far as I can see, every cvilization takes over something of the preceding civilization, and this is especially true of the civilization in which we live and of which we are a part; in fact, I do not think it would be an exaggeration to say that practically everything worth while achieved by the people in any previous civilization has been taken in and utilized by our present civilization. Everything achieved by the Egyptians and Babylonians, the Chaldeans, Greeks and Romans, and a great deal of what has been achieved by the Chinese and Japanese has been made a part of the civilization of the European countries and America.

What are some of the advantages that have been gained by the development of modern civilization? What really has been achieved? Wherein has the sum total of the happiness of the human race been increased? I suppose I might in a way compare the savage state with the present state of mankind in order to bring out the difference—the contrast between the conditions under which savages lived and the conditions under which we live. That perhaps would take too much time, if I attempted to give the details; and again, even if I did give the details, some of you might say we have heard you before, and as a socialist, we know what you have already condemned—capitalistic civilization. We have heard you describe the poverty and the misery; we have heard you picture the extent of crime and of lunacy and of prostitution, and all the horrors of war, and the tyranny of the present civilization. How can you say, in view of the position you have previously taken as a socialist in condemning the capitalistic order, that to be a savage was worse—that the present capitalistic civilization is any better?

Well, I am perfectly willing to face that proposition frankly and squarely; in fact, that is just the reason I am here today. If I did not believe that the human race had made any progress whatever up to today, I would not have much hope for the future. If I could not point out wherein even the present capitalistic order is superior to the life which was enjoyed by the savage; if I could not show that on the whole people today are enjoying a better life than they did in the days gone by under savagery, then I would not have much hope that

any time in the future they would enjoy a better life. So, perhaps, the best way to get at the crux of the matter is to compare our present civilization with the civilization of the savage or his lack of civilization; at least, on a few of the important points.

One of the best authorities that I know of, when it comes to observation and reporting upon the conditions of people, was Charles Darwin. For one thing, he was very accurate in his observations, and secondly, he was very truthful. So far as I know, his truthfulness has never been questioned. So, therefore, I want to read to you a passage or two describing savagery as he saw it in some of the primitive places he visited in his Voyage on the Beagle around the world. This will take perhaps three of four minutes to read, but inasmuch as it is an entirely trustworthy account of savage life and gives us a basis upon which to make our comparison, I think it is worth while to read it. He says:

> "While going one day on shore near Wollaston Island, we pulled alongside a canoe with six Fuegians. These were the most abject and miserable creatures I anywhere beheld. * * * These Fuegians in the canoe were quite naked, and even one full-grown woman was absolutely so. It was raining heavily, and the fresh water, together with the spray, trickled down her body. In another harbor not far distant, a woman, who was suckling a recently-born child, came one day alongside the vessel, and remained there out of mere curiosity, while the sleet fell and thawed on her naked bosom, and on the skin of her naked baby! These poor wretches were stunted in their growth, their hideous faces bedaubed with white paint, their skins filthy and greasy, their hair entangled, their voices discordant, and their gestures violent. Viewing such men, one can hardly make one's self believe that they are fellow creatures, and inhabitants of the same world. It is a common subject of conjecture what pleasure in life some of the lower animals can enjoy; how much more reasonably the same question may be asked with respect to these barbarians! At night, five or six human beings, naked and scarcely protected from the wind and rain of this tempestuous climate, sleep on the wet ground coiled up like animals. Whenever it is low water, winter or summer, night or day, they must rise to pick shell-fish from the rocks; and the women either dive to collect sea-eggs, or sit patiently in their canoes, and with a baited hair-line without any hook, jerk out little fish. If a seal is killed, or the floating carcass of a putrid whale discovered, it is a feast; and such miserable food is assisted by a few tasteless berries and fungi.

"They often suffer from famine: I heard Mr. Low, a sealing-master intimately acquainted with the natives of this country, give a curious account of the state of a party of one hundred and fifty natives on the west coast, who were very thin and in great distress. A succession of gales prevented the women from getting shell-fish on the rocks, and they could not go out in their canoes to catch seal. A small party of these men one morning set out, and the other Indians explained to him that they were going a four days' journey for food; on their return, Low went to meet them, and he found them excessively tired, each man carrying a great square piece of putrid whale's blubber with a hole in the middle, through which they put their heads, like the Gauchos do through their ponchos or cloaks. As soon as the blubber was brought into a wigwam, an old man cut off thin slices, and muttering over them, broiled them for a minute, and distributed them to the famished party, who during this time preserved a profound silence. Mr. Low believed that whenever a whale is cast on shore, the natives bury large pieces of it in the sand, as a resource in time of famine; and a native boy, whom he had on board, once found a stock thus buried. The different tribes when at war are cannibals. From the concurrent but quite independent evidence of the boy taken by Mr. Low, and of Jemmy Button, it is certainly true that, when pressed in winter by hunger, they kill and devour their old women before they kill their dogs; the boy, being asked by Mr. Low why they did this, answered, 'Doggies catch otters, old women no.' This boy described the manner in which they are killed by being held over smoke and thus choked; he imitated their screams as a joke, and described the parts of their bodies which are considered best to eat. Horrid as such a death by the hands of their friends and relatives must be, the fears of the old women, when hunger begins to press, are more painful to think of; we were told that they often run away into the mountains, but that they are pursued by the men and brought back to the slaughter-house at their own firesides!"

I have taken the trouble to read this because it describes the condition of human beings in the savage state; not only the group that Darwin saw, but as all anthropologists agree it is a characteristic stage through which human beings pass when they are in this savage state. And, it is a state from which, so far as we are able to learn from the best of anthropologists, all peoples have risen and developed, whether they

be oriental or occidental peoples. If you run back the history far enough it always run back to this kind of savagery.

Now, bad as conditions are today; great as poverty is today; great as the misery is today, I ask you how many of you would like to go back to the condition that these people were in, whom Darwin describes? And how many of the people are there you know, even under capitalism, who would exchange the position they find themselves in, with the position of those savages who had no certainty as to food or clothing or shelter, who had no freedom which they could call real freedom, because they never knew what was going to be their condition on the next day, and who knew nothing whatever of the arts, of literature and of the achievements which to us make life worth while?

Now, it seems to me that tracing evolution from those conditions to the present, we can see how, step by step, we have won something worth while. And this is a significant fact, that you can judge the advancement of a civilization by the tools and by the methods of production which are used by that civilization in order to secure a livelihood. Under the most primitive conditons they have to live by fishing, hunting, to live off whatever they can pick up practically without the use of tools and without any great knowledge with which to control their environment.

But, mankind advances out of this stage, first by learning the use of fire; then by domesticating animals; then by learning the primitive methods of agriculture, and gradually by a development of knowledge regarding the forces of Nature, man learns how to get from Nature a larger and a better living and a more certain living. So that, if you compare the condition of mankind today with that of the savage, so far as subsistence is concerned, and that is fundamental, you can say today we have a vastly greater variety; we have a greater quantity; w have a far greater degree of security so far as the great mass of the people is concerned. I am aware, of course, of the fact that during certain conditions, as for example, during the war in Europe, there will be conditions of famine. Yet taking the capitalistic system as it has prevailed during the last hundred years, it cannot be denied that the millions of people living under that civilization have had a far greater security so far as livlihood is concerned, a far greater variety of food stuffs than they would have had under the conditions that prevailed during the period of savagery.

Then, when you cóme to the second test of advancement, the freedom of the individual, the opportunity to develop one's personality, to have freedom of thought and freedom of expression, we find again that the savages and barbarians

were bound much more strictly than the civilized man of today. They had their fetishism; their superstitions; they were enslaved by their fears, their ignorance and superstitions so that they did things and lead a life which was anything but a free life. The average person pictures to himself the free Indian; the free Barbarian, the free savage, as one who can do as he pleases and go where he pleases. Not so. They were bound, as anthropologists prove, beyond any question, by all sorts of superstitions; all sorts of customs and all sorts of traditions which made it impossible for the individual to express any individuality whatever. He lost his individuality under the rules of customs and traditions of the tribe. So, this primitive freedom is a false idea, as we find when we make an actual study of the life of these savages. It has been done by Lewis Morgan who lived for many years among the Iroquois Indians, and by other students who have studied the conditions at first hand. To illustrate what some of those conditions are, I select one or two examples from Herbert Spencer's Sociology. He gives dozens of them to illustrate how the primitive peoples are bound by their superstitions. For example, he says, speaking of some of the Mexican Indians:

> "Ximinez tells us regarding the Indians of Vera Paz that 'when a lord was dying they immediately killed as many slaves as he had, that they might precede him and prepare the house for their master."
>
> "In Dahomey immediately the king dies his wives begin to destroy all his furniture and things of value, as well as their own: and to murder one another. On one occasion two hundred and eighty-five of the women were thus killed before the new king could stop it."
>
> "Savages and barbarians also frequently bury most or all of the valuable property with the deceased."

I will not burden you with example after example of this sort. We know how the Hindoos for example, had the custom of throwing their children in some cases into the Ganges River and other rivers, as a sort of religious sacrifice to propitiate the wrath of the gods. These customs have existed among savage peoples. But, we have largely outgrown them.

I want to read to you to show you how recently these superstitions have prevailed among peoples a citation from Andrew D. White's work on "A History of the Warfare of Science with Theology in Christendom". People of the middle ages were governed by the same superstition believing it was a religious duty to carry out some of the most atrocious performances. Here is a case showing how some of the Christians persecuted the Jews:

"But this sort of theological reasoning developed an idea far more disastrous, and this was that Satan, in causing pestilences, used as his emissaries especially Jews and witches. The proof of this belief in the case of the Jews was seen in the fact that they escaped with a less percentage of disease than did the Christians in the great plague periods. This was doubtless due in some measure to their remarkable sanitary system, which had probably originated thousands of years before in Egypt, and had been handed down through Jewish lawgivers and statesmen. Certainly they observed more careful sanitary rules and more constant abstinence from dangerous foods than was usual among Christians; but the public at large could not understand so simple a cause, and jumped to the conclusion that their immunity resulted from protection by Satan, and that this protection was repaid and the pestilence caused by their wholesale poisoning of Christians. As a result of this mode of thought, attempts were made in all parts of Europe to propitiate the Almighty, to thwart Satan, and to stop the plague by torturing and murdering the Jews. Throughout Europe during great pestilences we hear of extensive burnings of this devoted people. In Bavaria, at the time of the Black Death, it is computd that twelve thousand Jews thus perished; in the small town of Erfurt the number is said to have been three thousand; in Strasburg, the Rue Brulee remains as a monument to the two thousand Jews burned there for poisoning the wells and causing the plague of 1348; at the royal castle of Chinon, near Tours, an immense trench was dug, filled with blazing wood, and in a single day one hundred and sixty Jews were burned. Everywhere in continental Europe this mad persecution went on."

Let me give you another illustration—a paragraph or two regarding the persecution of so-called witches:

"As to witches, the reasons for believing them the cause of pestilence also came from fear. This belief, too, had been poured mainly from Oriental sources into our sacred books and thence into the early Church, and was strengthened by a whole line of Church authorities, fathers, doctors, and saints; but, above all, by the great bull, Summis Desiderantes, issued by Pope Innocent VIII. in 1484. This utterance from the seat of St. Peter infallibly committed the Church to the idea that witches are a great cause of disease storms, and various ills which afflict humanity; and the Scripture on which the action recommended against witches in this papal bull, as well as in

so many sermons and treatises for centuries afterward, was based, was the famous text, 'Thou shalt not suffer a witch to live.' This idea persisted long, and the evolution of it is among the most fearful things in human history."

Now, when we are thinking about the conditions that prevail now, it is just as well to know a little bit about the conditions that prevailed in previous periods. And, when you realize in a single century, in Germany that about one hundred thousand people were put to death for witchcraft, you get some idea of the blackness that must have prevailed over those vast districts inhabited by millions of people during the middle ages.

So, I maintain that limited as our freedom is today in many respects, all sorts of laws being on the statute books to limit us in this way and that way—limited as our freedom is, still compared with the conditions that prevailed under savagery, when they used to slaughter people for all sorts of superstition; compared with the conditions that prevailed even during the middle ages, when they were slaughtered by the tens of thousands on theological grounds, I say today we have a vastly greater degree of freedom, so far as intellect and discussion are concerned, and by that I do not mean to say for a moment everything is all right; that we have won everything we need, but am simply comparing conditions today with those that prevailed in what, in my opinion, were far darker periods in human history.

Not only has there been a great advance as to subsistence and liberty of thought and discussion; I likewise believe humanity as a whole today is in a far better position to enjoy the arts and sciences and the beauties of nature and all matters which give satisfaction to mankind. And, there again, of course, we must frankly admit and recognize that large masses of people do not fully appreciate in the benefits of modern civilization. We must admit that for a great many people these treasures are locked up. But, it is a question of comparing things as they are now, with things as they were in previous times, not as they might be under ideal conditions.

What has happened so far as science and literature and art and all that sort of thing is concerned?

In the first place, up to about two or three hundred years ago, there was not any science worth mentioning. It is true that the Greeks had achieved advancement in certain directions; that there were individuals such as Aristotle, who showed wonderful power intellectually, but, comparing the science of antiquity with the science of today, nobody can seriously maintain that that science amounted to very much. As a

matter of fact, it was hardly a beginning. Until recent times, when the experimental and inductive method has been applied and utilized, we could not maintain that any real science was in existence; but, now we have real science of mathematics, astronomy, chemistry and physics; we have a real science of biology; and we have developing sciences of psychology and sociology; and the applied sciences in the various engineering departments, and so on. In fact, we have accumulated a very wonderful mass of knowledge which any human being, if he is intellectual at all, must find some pleasure in pursuing. Some prefer history; some are interested in mathematics, or biology—each one has his choice. But, the fact remains that the superstition and darkness of the early and middle ages has really been supplanted very largely by the light of modern civilization.

Of course, there are still a good many people in darkness; we must admit that. We call it Christian Science or something of that sort! But, we are comparing conditions as a whole, as they prevailed in the middle ages or the earlier periods, with conditions as they prevail today. And, when you recognize that in every city, town, hamlet there are libraries; when you realize that millions and millions of people are reading and having access to these libraries; when you realize meetings like this are going on, as you know, year after year and distributing the literature and ideals of modern science to the people of this country—and, not only in this country but in other countries— you must admit there has been an advance in human freedom and enjoyment in that direction.

I do not see how anybody can seriously maintain that the conditions under savagery, barbarism or in the middle ages are on a par with the conditions today, even though they are not as we would like to see them today.

Now, I have briefly touched upon a few of the tests of human advancement. Limited as we are to an hour and a half apiece, one cannot take all of the details in these various arts and achievements.

Let us take the field of music. Compare the tom-toms and the bones of the savage music with, let us say, the Chicago Orchestra, or the Grand Opera performances; the music of the barbarism with the music of a Wagner, a Schuman, a Gounod, Greig, or a Verdi. There is no comparison at all. We know people enjoy it because they pay their money—that is a pretty good test; if they do not enjoy it, they would not go. These splendid compositions of the composers surely give great enjoyment and happiness.

It is the same way in literature. In the first place, the savage did not have any language at all except a sort of sign language. He may have had, as he developed, a vocabulary of two or three hundred words. But, we now have not only an oral and written language, but we have a printed language and an unlimited vocabulary; and the means of spreading of the ideals and ideas of literature among practically all the people through books, newspapers, and our vast resources of communication. The savage had no telephone, no telegraph, no cable, no means of exchange of ideas. All you need to know to realize how far we have advanced is to ask yourself what sort of a life you would have if you took away all the printing presses; took away all our means of communication; abolished practically all literature and went back to a stage where you would have to communicate with one another by gestures and perhaps two or three hundred words; then you would be back under primitive conditions. We have got away from that and built up this wonderful literature which makes it possible for a Shakespeare, an Ibsen, a Poe, a Hauptman, a Hugo, or a Tolstoi, to portray life as it is, and it is possible for anybody to enjoy their works. So, you can see that literature is an achievement of civilization; you cannot have it without civilization.

Likewise, we have our museums and our art galleries.

What is the foundation? It is the economic foundation of modern civilization. That brings me to what to my mind is one of the most important features in this debate. What is the outlook for this future? Because in reckoning what the achievements of this civilization are, I reckon as one of the most important is the organization and unification of the working class. That organzation of the workers is our best guarantee of future progress.

The capitalists did not mean to organize and unify the working class; they did not mean, as a means of developing culture to develop a co-operative system of production such as we have today. That was not their aim. But, nevertheless, as Engels and Marx have so well portrayed in their Communist Manifesto, the bourgeoisie did develop a wonderful organization for producing wealth, and it is on the basis of this wonderful organization which has been developed that it will be possible to build a splendid civilization in which all will be able to participate. Within this modern capitalistic civilization the forces have been developed which will secure for future generations everything that is worth while; and we will eliminate the evils which have grown up and spread under capitalism. The forces are all present within our civilization; they are here in our midst, which are going to pre-

serve everything that is good, and going to make it possible for the masses to enjoy all these things; not only to preserve everything that is good, but to make possible a much higher development of civilization than we have had in the past.

At this time, I want to read just a paragraph from what will go down into history as one of the greatest books that was ever written, and that is the Communist Manifesto. It gives the key to human history. If there is any philosophy; if there is any interpretation of history that makes it possible for us to understand the evolution of mankind, from primitive conditions up to the present, and gives us a key with which to unlock the future, it is the philosophy of the materialistic conception of history, or as some call it, the economic interpretation of history. It will take just a moment to read a few sentences in which Engels, in his introduction, to the Communist Manifesto, sums up the economic interpretation of history:

> "In every historical epoch, the prevailing mode of economic production and exchange, and the social organization necessarily following from it, form the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch; that consequently the whole history of mankind (since the dissolution of primitive tribal society, holding land in common ownership) has been a history of class struggles, contests between exploiting and exploited, ruling and oppressed classes; that the history in which, now-a-days, a stage has been reached when the exploited and oppressed class—the proletariat—cannot attain its emancipation from the sway of the exploiting and ruling class—the bourgeoise—without, at the same time, and once and for all, emancipating society at large from all exploitation, oppression, class-distinctions and class-struggles."

There is the key to human history and the one who masters that interpretation of history and applies it to the development from the primitive savage stage up to the present, can see that as the tools developed; as the means of production developed; as man's understanding of the forces of Nature developed; as the industrial system developed; civilization moved forward. And, it is only when something happens to that industrial system that you make any lasting progress. And, the whole lesson of history is this, that economically, we have been progressing from a very simple, crude stage of production up to a higher and higher stage of production, which makes possible, what? It makes possible a vast amount of wealth; which makes possible a great amount of leisure; which makes possible for the first time in all human history real

freedom. It is only by the conquest of the forces of Nature —by the organization of the productive forces—by the application of science to the natural resources and the powers of the universe; it is only thus, that we get the foundation for a real civilization, a real fredom.

And, the lesson of all human history is, despite all the superstition, despite all of the tyranny, despite all of the sufferings of the past, we have been marching forward toward that goal, getting an economic foundation for a real civilization. And, today, we are just about at the point where it is within the grasp of humanity to build a co-operative commonwealth where all will be free; where all will enjoy the fruits of human progress; where all will be free, not only economically, but intellectually and spiritually; where the fogs of superstition will pass away; where freedom of thought will prevail and where mankind really will enjoy happiness.

And, it is because I believe that; because I see what has been already achieved, I am ready to say here today, we are making permanent progress toward a higher civilization!

MR. DARROW'S FIRST SPEECH.

Mr. Darrow said: The next time I have a debate I am going to argue with somebody who disagrees with me. I am going to take somebody who is really ignorant enough to believe the things that I do not believe. Now, I have one advantage in this debate anyway; Mr. Kennedy said something to the effect that he was a little nervous for fear some of his socialist friends would think he was contradicting the things he had said before. Now, I always rather like to contradict things I have said before. For, if it is not a sign of progress, it is at least a sign of change, and change is generally taken for progress in this world.

I do not know whether the civilized man of today is happier than the savage or not. I fancy that I am happier here in Chicago than I would be in Tierra del Fuego, but I kind of fancy that those natives are happier there than they would be here! I would hate to be a barn-yard hog, but I fancy if they had any brains—which they have not—they would hate to be men. I am inclined to think, on the whole, they are happier, while it lasts, and it does not last very long either way so I do not see there is much in that. The question that I am interested in is not the one that my friend discussed—I do not mean that his discussion was not interesting. It was both interesting and learned, especially learned, and still it does not get anywhere.

Now, I really do not know how to prove that a civilized man is less happy than a savage; in fact, I do not know how

to prove which is the civilized man and which is the savage! That question depends upon your standpoint, like everything else in this world. Of course, there is only one really civilized man that I know. There are a lot of them who think they are, but hey are not.

I am willing to accept his definition of progress. That is one thing we agree on. I believe that progress is purely a question of the pleasure units that we get out of life. The pleasure and pain theory is the only correct theory of morality and the only way to judge life. Many of us might debate for a great while about the meaning of the word progress, but I think he has come closer to it than anybody else could have got at it and I am going to accept it just as he stated it.

Progress means how much fun we get out of it. If the human race today is getting more fun out of it than it was five hundred years ago, then there has been progress between that time and this. If it was getting more fun out of it two thousand years ago, than it was one thousand years ago, then there was no progress between the two thousand years ago and one thousand years ago. If, at a certain time it got more pleasure and then something happened so it got less, then there has not been progress between those two dates. If there is a permanent law of progress it means we are forever going toward a point where the human race is getting more and more pleasure out of life. That is what I dispute. I presume there are periods in the human race when men got along more comfortably than at other periods, but we are not always getting along more comfortably year after year or age after age. We go forward and we go backward and we go up and we go down and bob around and think we are getting somewhere and we are not. That is what I contend; I do not think we are getting anywhere.

I imagine if some person stood off and looked at the earth going at a terrific rate of speed—I do not know how fast, but almighty fast—he would say: It is going to get there quick, isn't it? He would wait a year to find out how far it had gone only to learn that it had come back to the same old place! Now, that is the law of physics; it is the law of life and I believe there is no possible exception to it. This is really a question of science.

I appreciate debating with my friend here, because he has a scientific mind and he does not take any dope unless it is socialism and, everybody ought to be permitted to have one dope anyhow. If he ever gets over that, I would suggest pessimism.

I am willing to put it all on a scientific basis, for that is where it belongs. Of course, he has made many statements

here that I could not fully agree with and I hardly think will stand a test: That the world is happier because it has more food, and the need of the human race is to have more food and a greater variety of food, and more clothes and have its wants satisfied. That will not do at all. You do not need a greater variety of food because when you get a greater variety you will want a still greater variety. An ordinary man can live on cabbage and corned beef, but as you get well civilized you want nightingales' tongues or something like that. I do not know that one gives any more happiness than the other. I am not well enough civilized to know.

As to clothes, that is a matter of habit, too. The bourgeoisie—I don't think I got that pronounced right—anyhow, it is a socialist word, but they are the only ones that really wear plenty of clothes. Primitive man did not need them; he did not wear many, if any; and the rich people are beginning gradually to leave theirs off.

It is all a matter of habit and a question of your standpoint. You cannot say clothes make people more comfortable or less comfortable, excepting in real cold weather, and you cannot be sure of it then because clothes make you cold as well as warm. Thousands of people down in Tierra del Fuego do not suffer half as much as Darwin thought they did. If Darwin had taken off his clothes, he would have been miserable. But you know the Bible says that the Lord tempers the wind to the shorn lamb. That is not true. But, he does temper the shorn lamb to the wind. And, in the winter time, when it is cold, the shorn lamb is not shorn; it is only in the spring when the sun comes out, for along toward winter its wool gets thick. So it is with the human race.

These things have various origins and largely they are matters of habit. I do not believe anybody could prove that the people who wear clothes are happier because they wear clothes than the people who do not wear clothes. I rather think they could not. I would not know how to do it even if I was on that side. There are a lot of things you cannot prove.

For instance, he tells us they used to be very superstitious. Used to be? We have the same God the first savage had, and He does just the same things, and we believe in Him just as much. His method of action has taken a different form, that is all. Now, I suppose there were half a million people, more or less, today who went to church in Chicago and at least pretended that they believe in God. A thoroughly civilized city! The savages had something to look at that represented their god; but the Chicago people did not—they just talked into the air! And, we are civilized! We have all the charms and incantations and so on.

Why, I went to a banquet the other night, a Victory banquet, on account of our triumph over German autocracy, and some "fool" preacher talked to God before we had a chance to talk, and he thanked God for ending the war! The preacher did not think it funny. I fancy I was pretty nearly the only one there that did. Of course, he did not thank Him for starting the thing; just for stopping it. And, even as intellectual and as radical a person as the President of the United States appointed a day of prayer to God to help beat the Germans.

Still we talk about superstition! We still pray for rain—that is I do not—but we do. Savages could not beat that, could they? Governors appoint days to pray for rain, and then if the rain does not come they say that God knew better than they when it ought to come. We have a rapidly growing school of medicine the Christian Scientists I suppose, who believe more or less that the diety has to do with the state of health, and I think He does. I rather think that anybody who believes that way is a cheerful idiot and will live a long while. We still pray for people who are sick. Lots of people pray for them, and then they die, they keep on praying for others.

When the war began, everybody got religion so God would keep the bullets away from them. Some of them got over it when they found it did not keep them off. That is in a civilized country and a civilized world. I cannot see that there s any great change in that; I cannot see that there is any change in the human mind whether you believe in forty gods or one. One god comes as a sort of a trust evolution, that's all. One can do it, so we consolidate the business. The idea is exactly the same, it is a superstition, and yet everybody—almost everybody, at least—professes to believe it, and I fancy some of them really do.

Now, another thing. I don't know that the fact that a man knows something about science makes any one happier. That is the worst of all of that. Now, I will agree with Professor Kennedy that real learning, real learning, means acquaintance with the laws of Nature, or, speaking broadly, science. Beginning with Aristotle, and coming on down through to Bacon and the English school of philosophers to the present day—and we will "cut out" the idealism of Plato, Mary Baker Eddy and that line—I do not know that science gives you anything so far as happiness goes. I enjoy biology and for me, it is some fun. I do not think it adds to my length of life. But, I as one person get an individual gratification out of it, just as some other fellow does out of playing checkers, or some women do out of whist and others out of sewing societies and war work.

Now, what is the difference? I cannot say that I, who study biology, am happier than the other fellow who plays

checkers. I rather think I am not. It might possibly be I am more intellectual; but nobody can prove that intellectuality makes you happy; in fact, I think it does not. I am inclined to think I am a little too intellectual to be happy. I have kind of gone "over the top", really! I wish there was some way I could slow down so I would be like the other people, but there is not.

This art business—well, I don't know that studying art makes you happy. I never could see that an artist was any happier than a mechanic. I think he is not. I am more or less of an artist in some directions but that does not make me happy, and if it did it would not make some other person happy. You cannot say that if you would make all men artists this would be a happier world. You would probably all of you have indigestion. The truth is you cannot live on intellect. Why, a good stomach is worth forty brains for life. At the time the human race gets a brain as tall as a stove-pipe hat, there will be nothing left of it and it cannot live. We have all the time to keep down to the sources of life, and Nature will not let us get away. If we do, she keeps pulling us back. It is perfectly evident to me that intellectuality does not bring happines.

Then, to come back to the savage. Well now, I do not know. The savage had a pretty good time anyway, and survived. That is one way of telling. He survived longer than the civilized man has. I think there is very much more chance for the civilized man to go back to savagery than for the savage man to come to civilization. I do not know why, but I will elaborate a little bit more on that after a while. He survived. He was comfortable and warm in the summer time and the Lord tempered him up so that he could stand the winter, so he got along all right. Of course, he had his bad days; so do we. He did not have much toothache probably because he used his teeth more. He did not cook his food. He probably did not have dyspepsia. When he died, he died a sudden death and got through with it. Even his cannibalism was not so bad. Of course this was largely a religious rite. To have all his wives have a row after his death is not so much; a civilized man would have them rowing when he was living.

Really, is there any way to tell? We just assume these things, you know. Now, if a savage wrote books, he would tell how much better off they were than we civilized people are. If the mosquitoes wrote them they would tell; if the flies wrote them, they would tell us how all these fool people waste their time preparing food for them to eat. We only see the world from the standpoint of civilized human beings, or semi-civilized, whatever it is, and we cannot judge the other fellow's

pleasures or his pains; but I fancy that the savage had some advantages over us, and I don't care to emphasize this for the sake of making this side seem stronger than it really is: The relative pleasures of the savage and the civilized man are fair subjects for discussion and are worth thinking about, and it is of no importance to me which side you take. I don't know which side I am on. All I can say is people assume too much entirely. Now, even though I may have been descended from an ape, still, my children might be—well, Methodists. I know which side I am on as to the permanent progress. But as to whether the savage or civilized man is better off, you can say things in favor of each of them. One thing is pretty sure to me—that the savage's mind never bothered him a great deal. Another thing that is sure to me is that the civilized man's mind bothers him more than his body.

I have had a lot of ills in my day. The most of them were in my mind, and I am not a Christian Scientist, either. But, it is true. The more intellgent you are, the more trouble you get out of it—disease and parting with friends and disasters, some of which never come and some of which do come. All these things are the heritage of brain power. I honestly think, if I were born again—which God forbid—I would ask to be made a shade less intelligent. I believe that the present troubles of most of us are more intellectual than physical.

Suppose we could live right along, getting careless and thoughtless, like the other animals, never thinking and worrying about it and just living. Today it is cold and we are just a bit uncomfortable; tomorrow the sun is shining and we warm up. Today we are just a little bit hungry, but we can run around better for that. The next day a dead whale comes in and we live on blubber for a week! Now, what is the matter with that life? I don't know what is the matter with that life! Of course you haven't many clothes; but you don't need them. You don't need to even have a watch to know what time it is; you just go along. I don't think that the man who seeks to civilize and even Christianize the savages s doing any great good to them, and the man probably hmself is not intelligent enough even to get any good out of it. Nature, I rather think, is on their side. Let us see whether it is. I want to get down to the science and philosophy of this thing, before I get through, because I am long on science and philosophy, to give you something to think about. There are two sides to all things.

The animal has persisted down through all time. Of course, not always the same animal, but Nature has let him live. While he lived a fairly vagrant life, sometimes having food and sometimes not, he survived. The savage has sur-

vived, so far as we can tell—of course we guess a good deal upon these things. I want to call attention to guessing as we go along, because a great deal of all of this, in the long sweep of time, is more or less guesswork. The chances are that the savage has survived ever since man has been on earth, which is perhaps, some two hundred thousand years at least; maybe a little longer; I haven't the time to figure it up, and he stayed there. The civilized man has not been here long enough to know whether clothes did him any good or not. Of course, he could not get along with civilization without clothes, but he might get along without civilzaton and clothes. We can tell somethng about it, though, just a little about it, and I want to put this on the side of the things we do know: Is there a law of progress or is civilization moving forward permanently? Whatever way or however way you want to put it: Is there something inherent in life and Nature which means that the human race is happier today than it was yesterday, and it will be happier a thousand years from now than it is today, and a hundred thousand years from now than it it today? That is the question.

Of course, my friend has glorious hope for the human race a thousand years from now, for then we will have socialism! Well, I don't know; maybe we will. I never shall know. That is the difference between him and me. I know that the human race has had it in more or less different phases, and I would be glad to see it tried over because change is a good thing anyway; you get tired of the same kind of thing over and over; at least some of us do. But, the human race has had it. Bees have had it ever since there were bees. I suppose animals are higher than bees. There isn't anything in this that brings happiness that I know about. And then you cannot measure it up. Is there a permanent law? I think that is easily settled.

As a matter of science and of philosophy, is there something in the universe which in and of itself means that the world will always be getting happier? That is purely a religious doctrine. It can rest upon nothing excepting religion. My friend and I, neither of us being orthodox, of course, we cannot take it from that angle. As a religious doctrine it rests with the orthodox, first, on the assumption that there is a God. and, secondly, that he is good. Well, you have to prove both of them to me. Every fact in life and science is against both, and there is no use talking about them. Scientific men do not talk about it any more than they talk about hobgoblins.

Now, suppose you do not believe in it, then progress rests upon another religious dogma, which in some way is hitched up to science: That the law of evolution is beneficient; that the world is changing and there is something inherent in the

law of evolution which takes the human race higher and higher and makes it happier. Why? Why should you not say that the law of evolution is demoniac; that it carries us lower? It is a pure matter of faith that it takes us higher and higher. Faith, a religious faith, whether the religion is God or evolution, it does not make a particle of difference; you get back to the same thing.

Are you going to base it on facts? I take a telescope and look out into the heavens. I find a countless number of worlds that are dead, have been burned to cinders that were once worlds like ours. I find others that are in the forming; others like ours that seem plainly to have passed their highest stage and the deserts appear and they seem to be going toward the sunset. Worlds are found in their birth; in every stage; life and death are there as they are everywhere and there is no chance for any permanence.

Turn to the race. Civilization, as we call it, is not very old; perhaps some vestage of civilization for five or six thousand years. And yet nations have risen and flourished and decayed. We have had the civilization of Persia; of Arabia; of Egypt; of Mesopotamia; and through all these places there are desert wastes where the owl hoots at night, and where beasts pursue their prey in those spots which once were fertile lands and where once lived civilized people, so-called. They were born, and they lived, and they died. The everlasting cycle of the earth going around the sun; the everlasting law of change, that is not the law of progress, but simply a law of change and nothing more. There is no chance to prove anything more. The savage looked at the rising tide and thought it would rise forever; but it went back again; it goes back just as it rises. It changes as the seasons change. An everlasting change, that is all there is to it.

Let us see about individuals. The greatest civilization, perhaps, this world ever saw was in Greece. They did not know as much biology in those days as even I know. But, what of it? They were more civilized. They could not put up a building as high as we can build them in Chicago. That old civilization is almost in ruins. The civilization of India is in ruins. Some of Rome and Greece is in ruins. And, the civilization of Chicago would not make a decent ruin! Why, Galton says that the common people of Greece were more intelligent than the members of Parliament fifty years ago! Of course they did not have to be very intelligent to be that, but it was a long while ago. I think they would average up with our City Council, barring my friend Kennedy, would they not?

Now, here was Plato, who was a pretty clever man for his age and generation. His lineal descendant is Mary Baker G.

Eddy. There is very much in common between the two philosophies. So far as I can understand, Christian Scientists get their inspiration from Mrs. Eddy, whose words seem unintelligible so far as they go. If one wants to study that Philosophy, I would advise them not to read Mary Baker G. Eddy, but to read Plato. Plato was the bigger man. Socrates was a great philosopher. I could stand here the rest of the afternoon and mention the great Greeks. The world has never had such a galaxy since.

The world passed from Greek philosophy to the Roman period. From Roman strength and power and civilization to the darkness of midnight, and for centuries the dark ages settled down over the earth. Those are the ones my brother here read about when he read about witchcraft, which we still believe in. For centuries this world was dark, after the illustrious days of Greece and Rome. Was it going backward or forward? There is no question where it went. It went back. I fancy for some centuries it has been going upward, and I have just a hunch that today it is going down. That is not because I am a pessimist; it is because I see today that the spirit of human freedom has vanished from the peoples of this world—especially from America! We have forgotten it. We care nothing about. If we can make money by compelling people to do certain things by law, or if some fool reformers think they can save the souls of men by passing laws, we say: let them do it. We would not fight for liberty today; we have forgotten it. I fancy today it is going back; perhaps not, but that is my feeling. But human life and all life is like the waves of the sea; it is tossed about; it is up and down; it is in and out—the law of change is everywhere, but that there is a law of progress is a matter of pure, unadulterated, religious faith!

MR. KENNEDY'S SECOND SPEECH.

Mr. Kennedy said: When we attempt to judge whether or not human beings are more or less happy, it is very difficult of couse to get a standard by which we can register an accurate judgment. Happiness is a subjective matter. You cannot tell exactly from looking at a person whether he is happy or not. You cannot tell by reading about a certain place or civilization whether those people were happy or not. So, when Mr. Darow says that perhaps if the savages were considering our civilization, they would say they were a whole lot happier under savagery than here, perhaps he is right. But, really, that has no bearing on the debate.

We are not interested in what savages think about our civilization. We are doing the judging ourselves. It is up to us to decide whether we think our civilization better than

savagery. If we do, we want to keep it and improve it. If we do not, we can get back to savagery pretty fast! It is a whole lot easier to drop from civilization to savagery than to come from savagery to civilization! If we come to the conclusion that we do not like to have three meals a day, it is very easy to go without, isn't it? I do not need to argue about that.

Brother Darrow says food and variety of food is not essential to happiness. All right, let us do without. You can soon settle which way you will be happier—with or without food! That is not a matter of opinion. You can decide that for yourselves. I want the food, and I think if it comes to where it is put to a real test, we will get a decision of ninety-nine per cent. who will take the meals—take the variety. In fact, isn't that what most people are struggling for? To get enough food and good food to nourish themselves and to be sure of it? Enough clothing and good clothing, to clothe themselves, and be sure of it, not only today, but tomorrow, and a decent home to like in. Why are they going thru all these strenuous activities? I name these because they are some of the things we are needing in life. I am very suspicious of these highly intellectual people who have a contempt for food, clothing and shelter as non-essential.

So, just looking at things from the standpoint of how people actually do act and think, I have come to the conclusion that most folks would be a whole lot happier when that economic problem is solved than when it is not solved. You can settle it for yourself, but that is just my belief and it may be a religious belief! In fact, that is one of the main points in my religion—get plenty of food, clothing and shelter which are the necessities of life, for everybody.

Let us go a step further from the physical necessities to the intellectual situation. Brother Darrow says that since there were five hundred thousand went to church here in Chicago today, what is the use of talking about superstition dying out. Well, there is just this difference between things as they are today and things as they would have been under savagery. We are holding this meeting here today too. It could not have been held under savagery or during the middle ages. They would have strung us all up or burned us at the stake because we think differently from the majority. That is the history of the superstition and persecution which we are outgrowing in a measure.

Men like Darrow, Lewis and I can think our own thoughts, say something about them once in a while without being burned at the stage. That is some advantage. It is true there are a great many people who do not agree with us, but as

long as we have the opportunity to discuss our ideas, and to say what we think about reactionary and superstitious practices, I believe that more and more people will come to look at things from the scientific rather than the theological standpoint. That is another point in my religion: I believe we are going to outgrow the superstitious period in the history of the human race. My belief is science will kill superstition. I realize that at times due to social conditions, science is given a set-back; but, as you look back, over the history of the human race, you will see it has gone forward, and superstition has gone backward; and just in proportion as science has gone forward, we have a greater degree of human freedom.

Then again, we are reminded of the fact that the Greeks had a great civilization. We are told that we have not made any advance over their civilization, so where is our progress? Fundamentally, the Greek civilization was not great. There was a census taken in Athens 309 B. C. which showed twenty-one thousand free citizens; ten thousand foreigners and four hundred thousand slaves. I cannot glorify that kind of a civilization. It is true they had their sculptors and their architects and their philosophers and others who made contributions to human thought and human advancement; but, taking the civilization as a whole, it did not compare with modern civilization, for the reason that for the mass of the people there was nothing like the same degree of security, freedom and liberty that we have today. Of course, I know that the wage system is not perfect, but it is an advance over chattel slavery. There again, I leave it to your own common sense. If you had your choice to settle here this afternoon, whether you would rather be a chattel slave, owned by somebody else or a wage worker, as you probably are, which would you choose? Would you prefer to be owned as a chattel and sold on the block rather than a wage-earner as you are today? I do believe that the wage-system, even with its unemployment, and injustice, is superior to chattel slavery. I do not believe in befuddling my mind to the extent of saying that chattel slavery is better than the wage system, as some people do, for purposes of discussion. But, if they were put up against it personally, they would say: I will take the wage system every time.

In Greece they had a chattel slave system, four hundred thousand of them as against twenty-one thousand free citizens. So, when you get down to the fundamentals of their civilization, it was not on a par with our modern civilization.

Brother Darrow is worrying a lot lest the spirit of human freedom is dead. I wish he could be in Russia for a while now; it would do him good! He will differ with me on this I

know, but I believe his ideas about Russia are about the same ideas in the main that the newspaper men have about Russia. I do not say that in any sense of criticism at all. What I mean by it is that most of us here in this country do not know the real truth about Russia. I think if we were there and saw the actual spirit prevailing among those millions of Russians, we would say that the spirit of freedom is not dead! I believe the torch of liberty is burning very brightly and fiercely among the millions and millions in Russia today and more than it ever did before in the history of the human race. That is largely a matter of belief. As I say, we have not got the facts; it is unfortunate. If I can get to Russia within the next year or so, I am going to try to get some of the facts for myself.

I believe it to that extent. I believe in other countries in Europe the same spirit of liberty is manifest. I should not be surprised if you would see something interesting happen in England this week! You certainly will if the government does not get off the lid and grant some more great concessions to the railroad workers, to the dockers and mine workers, giving them some more leisure and the worth while things in life that these people are after. You will find that the spirit of liberty is not dead in England, either. There is going to be a revolution in England just as sure as fate. So, too, the people who think the spirit of liberty is dead in this country simply need to wait a little while. Things will pick up over here! I am not worrying about the ultimate outcome. The people in this country just need to be worked up a little bit. They do not realize just exactly what is going on. They will in the course of a few years; it may take five, twenty or twenty-five years. But, what is that in the history of civilization? The real economic conditions are here for a great civilization. It is not a religious proposition that underlies my faith. It is an economic proposition. It is the development of the workers in the economic struggle, the development of the industrial organization. We can see real progress, step by step whereby we can in a larger measure rule our destiny. My faith is not simply out of the skies or what I have read in a book, but it is based upon what we can witness in the actual development of our economic and social order.

If that evolution had not taken place; if I could not see the difference between the earlier and the later stages, with mankind steadily moving forward, and see the progress from the beast of burden and the cart, up to the railroad and the automobile and the aeroplane—I might not be so optimistic. It is not a matter of theory but of fact, the conquest of the forces of Nature, the freeing of mankind in a very real sense

which makes it possible for you to be here today and, if you have a little money, in California tomorrow. It is essential to have that little money. That is the reason we want to change the social order. The fact we have the automobiles, railroads,—have harnessed the powers of electricity,—use steamships instead of dug-outs, are fundamental and essential to the real civilization.

And, those conditions never existed before in the history of the human race. It is a fact, not a dream. The economic foundations for a high civilization for millions of people never existed before the modern era. It may be that a few individuals could get along very well, but the masses could not under the old social conditions. This is the first time that we ever had the economic foundations for a high civilization. The queston remains: Is it possible to pass on our technical and scientific and social achievements? Can we do it by means of universities, by means of industrial museums; by means of literature; by means of word of mouth; by means of meetings like this? Can we pass on the achievements of the past and present to the future generations? That is the real question. I believe we can and we will do it. I believe the printing press, the library and university are going to be the means whereby we pass on what has been achieved in the past, and I am fully aware of the conditions in the universities today, too. When I say the university will be the means, I am aware that we will have to get rid of some of the present boards of trustees, to be sure. We will do that. And, if we cannot do that, we can build up some of our own universities in place of the other universities.

Brother Lewis talked about a publishing society. Truly, you are a publishing society, and what is there to stop your development? Here is an organization of men and women who come together for mutual advancement and development. What is to prevent this organization from growing; this is like one of the old time universities, where the people came in flocks and met in the groves not in class-rooms, but in vast numbers and considered questions of vast interest and importance to the people. You truly have a university right here, and it is going to facilitate the passing on of such science as already has been attained.

With such institutions developing and growing all over the world, I cannot see how we are going to lose the liberty we have. I cannot see that the world is going backward. I can see that we are making wonderful progress and that we are organizing in a way that is going to make it possible to bring home to all the people the advantages now enjoyed by only a few of the people.

That is the reason I am a Socialist. That is the reason I stand for the socialist program, because, to my mind, it is the next necessary step in the line of human development; it is the necessary program for placing the achievements of all humanity in the possession of all the people. That is the important thing.

Now, just to say it never has been done does not bother me any. Lots of things that were never done before are done now. Remember the countryman who said to the engineer, when he saw the first locomotive: "You will never get the darn thing started". And, then as the locomotive rolled off he turned to him and said: "You will never get the darn thing stopped".

That is very much the position our friend Darrow takes. If you do get it you can not keep it, and even if you are happy you will never be satisfied, and whatever progress you get will not be progress after all. Well, I believe that it makes Brother Darrow happy to think that way. He gets the pleasure out of his pessimism that the rest of us get out of our optimism.

But, to get back to what I believe to be the fundamental and essential key to the whole situation. The question of the higher civilization rests on that proposition of the technique to control the forces of Nature; that is fundamental, and as that advances, your civilization advances; if that goes down, your civilization goes down. You can satisfy yourself, if you will make the investigation that there has been great advance in the past. If you will look over the various institutions and agencies for perpetuating and advancing the achievements that have been made, I think you will be satisfied that there is a promising future for the human race.

The Chairman: Our friend Kennedy has suggested that should be his last speech and the closing of the debate be left to Mr. Darrow. I will now call upon Mr. Darrow.

MR. DARROW'S LAST SPEECH.

Mr. Darrow said: I do not see any need of taking any of your time in closing this debate. I trust you have all had something to think about from both of us on this anyhow.

Mr. Kennedy does not quote me quite right in saying the machine will not start or start. I believe it will start and I believe it will stop. Then it will start again and speed up and slow down and stop and start again and stop, world without end—Amen!

Now, I do not want to be put in a wrong attitude about Russia. I am really very strong for Russia. And, I want to see Mr. Lenine and Mr. Trotsky succeed. My difference with

some of you came over the question of whether allied armies should be sent to Russia in times of war with Germany, and I think they should. But, when war is over, Russia ought to be left to work out her own destiny, and I hope it will be good and I hope it will be free. I want to call your attention to one or two things, though, "so you will not get too much proud flesh," as Weber & Field say. I have read Mr. Lenine's address to the workers of America and, of course, he says largely that they have abolished freedom in Russia and they had to do it. Very likely they had to. I do not want you to think they are any better than the rest. They are not. Perhaps they may work out toward a higher civilization, but they are using exactly the same tools as the rest. The proletariat —if that is the right word—can shout, but the bourgeois has to keep his mouth shut. They have just stood the thing on its head. Well, I do not object to that. If it can stand on its head, all right, and maybe that is the right end of it! I fancy though it will not last; now, you know Nature is a funny old thing. It has no intelligence; it has no unintelligence; it has no anything. It is just busy, that is all.

Why, if I had been called on to fix this thing in the beginning. I would have had it right. But, Nature went at it like a blind, stupid, fool mechanic that knew nothing about his business. But, Nature is the boss, that is the trouble. I do not ask you to study Nature; and I don't suppose Kennedy does; because Nature knows anything. She knows nothing. But you have got to obey her. She is the boss and you would better study to find out how she is going so you can go along with her, that is all. Now, Nature does not reason or think. She just acts. And, I fancy that the intellectuals of Russia, if they are intellectuals, and many of them are, although probably not all of them,—many of them are—I fancy they can not make an intellectual, patented, ready-made scheme and put it down on the heads of the Russians and have it fit. If they can, all right. But, heads are not made that way. Heads are simply awful. They would have just as good a chance putting it down on their heels. You can just take this for a prophecy, hoping that it will not come true. I would not mind letting the world stand on its head for a while if that was all there would be to it, because it has been standing on the other end so long; but, I fancy the customs and habits and ideas and superstitions of man are so deeply settled that he can swear allegiance to a paper constitution and forget it the next day. I know what I am talking about—at least I think I do. I hope I am wrong, but I am not. It is just like a missionary taking over a Bible and a ton of rice to convert the Chinese. When they have eaten up the rice, they have for-

gotten the Bible. Now, of course, I wish they would throw away the rice and stick to the Bible. But, they will not. So I think Mr. Lenine and Mr. Trotsky will be out of it the way the czar is out o fit and someone in between will come along and blunder along a while and the world will not be so very much different, probably a little better for a time.

I fancy Russia is on the up-grade. I was talking about the United States being on the down-grade, and I think she is. Russia is newer; Russia is more primitive. There is no other way to go excepting up! For us, there is no other way to go excepting down; we have started.

Put this on a philosophical basis. Man consists of his stomach, legs and a head, such as it is. Of course, a man can get along without a brain but not without his stomach; that is really more important. That is the philosophy of socialism—the Gospel according to Saint Marx. And, when man digests his food he has to run around more or less and he has to have legs or he can not digest his food. Take a man like me, who does not believe in food, and who doesn't run around and his stomach will go back on him after a while. This is all exactly true. You let all our people ride in automobiles, as they will under the socialist commonwealth, and they will loose the use of their legs and then their stomachs will not digest the food, so what use are their brains? They will decay, absolutely. Now, that is civilization. I believe that is civilization just as sure as the course of the earth is around the sun.

Let me put this question a little plainer, if I can. Civilization has in itself the seeds of its decay. As long as man lives, he must have legs and arms and a stomach. He can get along with very little brains. Most of them do, and they have too much brains at that, for they do not use them, they do not need them. But, his stomach and his legs are necessary. Now, it is a fool world that they should be necessary but, there they are, and you cannot help it. What man ought to have had was brain and wings. That is all he ever should have had; but, Nature, not knowing how to do the job, loaded him up this way. But, he can not live without putting food down into his stomach and running around so that it will digest. And, when you get your flying machines, and your automobiles and your railroads, and man stops running around to hunt his prey, he is going to die, that is all, and he always has, I think. He can only live until this physical part of him gets so far up and then he comes down to earth, for that is where he draws his supply. That law has been at work forever. Mankind only gets a certain distance from the earth when he comes back just as gravitation draws the balloon

back when it goes up. An everlasting round, From work, running, eating and digesting, man develops a certain brain power, and when he is overloaded with that, he goes back again to the earthly things to pull himself up.

Take this with you as a suggestion: The intellect keeps you always thinking and dreaming. Suppose the people of this world learn just one thing, which they are learning very fast; suppose they learn birth control. Then the human race is done for; it is done for, unless there are just a few savages left who will build it up again. Nature tricked man into life; she lied to him and cheated him and defrauded him and tricked him so that life would be born everlastingly upon the earth. And, when man is intelligent enough to learn the cheat, and the fraud and the lie, and to control it, then the race is going to die. The Catholics are right on that proposition. You can only go up in the air a certain distance, gravity calls you back. The old pendulum is swinging around forever. The eternal recurrence of things in the physical world, in the spiritual world, in matter and in life, prevails forever!

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LITTLE BLUE BOOK NO. 1286
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Do Human Beings Have Free Will?

A Debate

Affirmative:
Professor George Burman Foster

Negative:
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DO HUMAN BEINGS HAVE FREE WILL?

DO HUMAN BEINGS HAVE FREE WILL?

PROFESSOR GEORGE BURMAN FOSTER'S FIRST SPEECH

PROFESSOR FOSTER: This is indeed an old subject. Many have thought all the juice has been squeezed out of it and that there is no more blood in this turnip. I think there is blood in it—lots of it. I am going to present the turnip and I am going to let Mr. Darrow squeeze the blood out of it.

It is also thought that it is an unimportant subject. There is one reason why that might be true. It is that whether you are determinists or libertarians all of you act pretty much the same way. And you forget about it. You eat and drink and sleep and work and love and get mad and get glad, no matter which way this thing is. So, that being the case, it might seem to be unimportant, but for all that the problem has persisted through the centuries and it must be fundamental; like Banquo's ghost, "It will not down." The statement of it changes, the solution of it changes, but the problem abides. And it is perhaps to the fore today in an unusual degree of acuteness.

After all, we are not to be distressed because no problem stays solved for the reason that we do not live simply by solutions, we live by problems; we do not live simply by answers, we live by questions as well; we do not simply live by faith, we live by doubt also, and it must be therefore that the existence of problems which are either insoluble or do not stay solved is functionally important in maturing the human spirit. If that be true we should be willing to accept the situation in the particular to which I have referred. So Mr. Darrow and I are here again today to break our teeth upon this old file—or, if Mr. Darrow's teeth are strong enough, he might break the file on his teeth. I do not quite feel that I can do it myself. The most that I can do in the time at my disposal, is to point out the means and import of this great controversy.

What do we mean by freedom of the will? Is the freedom of the will a reality or an illusion? I am concerned just now with thinking with you a little about these two points. At the outset, I wish to put in my demurrer against the way the question is worded. I accepted that wording of the question because others said that it was the way to word it for popular consumption. And so I am going to

state this problem the way it ought to be stated.

It is not—John Locke pointed this out 250 years ago—it is not properly a question, "Is the Will Free?" for you can not split up man into pieces this way and isolate a detachable bit like the will and say whether it is free or not. There is no sense in that. Moreover, it supposes that the will is a kind of independent substance or entity that gets on of itself, aside from any relationships. But there is no substance or entity as that anywhere, and of course the will is not one either.

Besides, if there be freedom it is not a property which inheres in the will, as, for example, heat inheres in a coal of fire. There is no such thing as that. As a matter of fact, freedom and will in any true sense of the word —will—are the same thing, I am not aware of anybody denying the freedom of the will who does not do so at the expense of the existence of the will itself.

I am very much interested to find out how my friend Darrow is going to do it, since, as I say, everybody else that I have known anything of has always succeeded in denying the existence of the will when he denies its freedom. And I can understand why, because there is no

difference between the two things if you take out the psychology of the matter. So I understand by this problem, not Will as an isolated atom, but mind—Is the Mind Free?—and the will is simply the mind as active. That is all that we have to mean by that expression.

To be sure, I know there is a difficulty, for long ago psychology lost its soul and I hear up and down the earth now that it is about to lose its mind. So that is part of the difficulty which I have to face. Darrow cannot escape it either. But the upshot is that our debate is concerned not with the question, Is the Will Free, but, Is Man Free? Is the Self Free?—or, if you will allow a word, characterized by mystery and depth, Is Personality Free? I am practically and theoretically interested in such a question as that. It is rather interesting that today we should debate a question of freedom in a world where only yesterday the earth was drenched with blood and the sky choked with storm, in what many called an effort to achieve freedom. For, if man is not free, what worth is it to have society free, or government free, or a race free, or an earth free? This points to another item that I wish to be particularly understood—inasmuch as I am urging that freedom is not a property of the will,

something already there, as extension or some property of matter.

I have to indicate to you why this is so. The reason is that freedom—if I make out a case for its existence—is not an endowment; it is an achievement. It is not a donation to man; it is a creation by man. Instead of its being something with which we started, it is the human task—it is man's deepest, most important task in the midst of the world and the social structure in which he is implicated, to achieve, for himself, his self-dependence, his self-direction and his self-guidance.

Now, freedom, as I am presenting the matter, may be one of two things, conceivably. It means only one in fact. There are those, and they have stretched through history, who hold to what the old theologians—and my friend Darrow knows all about this—what the old theologians called *liberum arbitrium indifferentiae*, the freedom of indifference. Freedom thus means that an act to be free must be uncaused. Here, then, in order for freedom, your act must be causeless, relationless, motiveless, something that just is, out of the blue, a kind of creation out of nothing, like—if I could imagine such a thing—an atom cut loose from the entire universe and bent, Heaven knows

which way, its freedom being that it does not know which way it is going either.

Now, of course, such an act is characterless as well. And the reason the old theologians excogitated such an idea is that they wanted man to be the kind of person that could repent very easily, hence there must not be anything in the way of his changing. If his conduct was determined by his character and if his character was in some degree substantial and fixed, he would have a hard job to repent. They wanted to make it easy for him. But if his conduct was characterless, if no act of his made for a deposit of character, then there was no predetermination, but only indetermination.

From such a point of view man was everlastingly on the balance and it was up to him, without any antecedents, to flop either way, any time, that suited his caprice. Of course, there is no such thing in the universe as that, and there is not a man born now, so far as I know, who defines freedom that way. Perhaps, however, I go a little too far in saying that, for what has passed away from the thinkers and from the authorities enjoys a vagrant life in the street, and in debates like this. Nevertheless, I insist that so far as I am concerned, it has no place in my thinking whatever.

Now, there is a second kind of freedom, and it is that for which I stand I am doing this, I very sincerely tell you, not as a possibility of winning the debate. Darrow would like to have me win this debate—he always feels that way about me. But I thank him just the same. I am not interested in it from that point of view. I am interested in getting the thing before you as I see it, on the basis of the truth of it.

So interested, what do I mean by freedom? It is action which is determined not simply by environment, heredity and character and by impulses, but action determined by reason and conscience. I am free when I exercise the resident powers in me under the guidance of inner intelligence. I am free when I, in my act, am determined not by the past but by the future. I put it in a single phrase—when my action is on the basis of self-determination, self-guidance, self-direction, as against alien determination, alien guidance, alien direction, all on occasion of at least dual possibilities.

Perhaps that expressed it as clearly and as briefly as I can—for how quickly my time is going—and how I might illustrate it for this audience here today: Here you are! How does it come you are here? Was your coming

here something that you did or was it something that was done to you? Now, that is not all of the question, so I go a little further. When you came here—when you made your choice to come here—could you have chosen not to do so? And in particular how are you going to know whether you could or not? I am getting at the root of this matter just there, with this audience, and so I state the matter in a large and specific way: Freedom is the assertion that possibility is in excess of actuality, in the life of the human spirit. That is the gist of this debate, my friends.

Now take your own case. You came here today. Could you have gone to the park? Could you have gone to sleep? Were there alternate possibilities? In other words, freedom is faith in ambiguous futures. Freedom is the conviction that there are possibilities with which you start and that by your action you can reduce at least a dual possibility into a single actual result.

Is there such a thing as that? Now I must not talk any longer this time for I have stated the case to you and I am to stand for this proposition that possibility is in excess of actuality.

Of what kind of proof does this subject ad-

mit? You have this situation: Mr. Darrow, you and I and all men, have, at times, an immediate consciousness that they are free. In deliberate action you feel free at times. That is the point on which we all agree. Now, there are two things to be done. I have to justify that feeling of freedom of yours. Mr. Darrow has to explain on the other hand that although I have that feeling of freedom, it is a humbug, it is not true. He has to show, if I understand the situation, that my idea that I am feeling that I am free—my idea that I am free—is not so, but is an illusion. To be sure, in the face of the fact of the universality of this feeling of freedom, the question might readily be raised whether or not my idea that I am free is an illusion or whether his idea that my idea that I am free is the illusion.

MR. CLARENCE DARROW'S FIRST SPEECH

MR. DARROW: The professor always saves me some time and trouble in these discussions. He is so honest that he generally puts my side of it about as well as he does his own, and I think a little better. Now, I am at a loss to know whether he believes in free will or not. Of course he and I could discuss with you for a long while the question of what is the Will and what is Freedom. It would take several debates to settle that before we got started on the main question.

I quite agree with him that perhaps the statement of the question is not what is should be. It ought to be, Is Man Free? I am willing to accept that statement, too. So far as the will goes, all you can say for it is that man's will is his state of mind before action; how he feels before he does something. The question is not so much whether he is free to do as he wills, but is he free to will as he will? If the will is free, man thinks before he feels and acts. The action is settled. The will is only a question of how he feels before he dives in, that is all. If you can call the will force, as so many phil-

osophers do, then I cannot see that it means anything much as applied to this subject. The professor is a theologian, or was, and I practice law.

To us it has some practical meaning. To the theologian it means that a man is going to hell because he purposely chooses to do the evil when he could just as well have done the right. That is out of his free choice, as an independent human being, he knew what was good and chose to do what was bad. That justifies God in damning man, as Nietzsche says. To the lawyer, it means that a man knows right from wrong, and purposely chooses to do the wrong and society sends him to jail to punish him because he purposely chose to do wrong when he could have done right. It means, to make it more specific, that a man may choose whether he will go to New York or Denver, or stay at home; that he may choose whether he will go to sleep at home this afternoon, as the Professor says, or come here and go to sleep.

I know we all have an illusion of freedom. That is not the only illusion we have. We are filled with them, most of which never materialize and never could materialize. We have a feeling of freedom, a feeling of choice, but it is simply one of those illusions—one of the

countless illusions that rule life, that govern us, keep us alive without which we would die and get through with it, for there would be nothing to live for. But the question of whether a man is free may be put in a practical way. Can you sit down if you are standing just because you think you want to sit down? Can you get up if you are sitting down of your own free will, if there is such a thing? You can not sit in a chair and rise from it through any intellectual process. You might do it on account of a pin or a tack. It takes some impulse that comes from outside of you and then you act, not through any intellectual process of any sort. You cannot have an intellectual process without impulse. It comes from somewhere.

The Professor's definition does not help us to any great extent that I can see. Of course, he admits that there is no such thing as free will in the universe, in the sense that we understand free will, in the sense of such eminent theologians as John Calvin and Martin Luther and Billy Sunday. Or in the sense of the judges who send men to jail because they wilfully do wrong, and they are justified in doing it because judges wilfully do right. He practically admits there is no such free will as that,

but he says it is action determined by reason and conscience.

Well, now, what about that? What action is determined by reason and conscience? Before you can decide that a man is free, if he acts on his reason and conscience you have first to ask where his reason came from and where he got his conscience. I settle most of the things that I do where I deliberate by my reason, and sometimes by some remnants of my conscience that I have not yet got rid of. But, where did I get my reason, and what is it? It is not, of course, a separate faculty. It is not something tangible, like an arm or leg. It is not the mind, if we know what that is. All we know about the reason is that its seat is memory, and from memory we have reflection. It has some relation to brain. The size of it; the fineness of it; the character of it. One man may reason one way and another man may reason another. The question is, "What kind of a brain has he?" He did not make his brain; he had nothing to do with it. That came long before he had any consciousness; that is a matter which is born without his consciousness, and it will die and dissolve when it gets ready independent of what he thinks or what he wants. What one arrives

at from his reason depends upon his brain, upon its size and its quality—mainly upon its quality and next upon the impressions he has. Some people may reason from a few facts, and some may reason from a great many facts, depending upon how many facts they have, or, some may reason from errors instead of facts, and reach different conclusions. No two brains reason alike because they are not made alike and they have not the same things to reason about. It is out of the question to determine it in any such way.

As to conscience: That is the unsafest guide any theologian ever talked about. The theologian's conscience may be one thing and a lawyer's another! A man's conscience depends entirely upon where he was born, almost entirely. If a woman was born in the far east, her conscience would not permit her to go on the street without a veil, but she could go barefoot; if she was born in the west her conscience would let her go out without a veil, but until recently she had to wear a long dress, at one period of her education, and at another one she might wear a short one. She did not make her conscience; it was made for her. Some people's consciences at some times will permit them to do one thing and sometimes

another. Some people's consciences forbid them lying under some circumstances; not under all. Everybody's conscience permits them to lie when it is necessary. There is no single act of man that can be determined by his conscience or that any two consciences will pass on alike. Man has inherited and acquired it just as he has inherited his arms and acquired his tastes.

This whole problem comes from the fact that man takes himself too seriously. Professor Foster, if he really believed in free will, would fly away before this debate was over. Why not? Why shouldn't he go and visit Mars if he wanted to? Why should he be bound by any of the things that hamper man in this world? If a man is free he can do as he will. Literature has furnished us with a fair example of what freedom is. I heard the Professor, in a former debate, quote: "I am the captain of my soul." Well, that means something. That means you can guide your soul around where you will, and do with it as you will. "Every man is the architect of his own fortune," says the copybook and the capitalist, but, has he anything to do with his fortune? Or, with his misfortune? Does man move around because he wishes to move around and go here and there as he sees

fit? Or, is he a slave of law, without the power to move of his own volition?

Now, I am firmly convinced that a man has no more to do with his own conduct than a wooden Indian. A wooden Indian has a little advantage for he does not even think he is free. Everybody's life and position are cut out for them. While one person may possibly influence the life of somebody else, they have nothing to say about their own. That is the position that I hold upon this question, which is fairly practical, if not philosophical. And that, it seems to me, must be settled by some propositions that are very plain. First, man is a part of the universe. Not a very important part, excepting to himself—as important as the trees and grass and fishes—as much the creature of law as any of the rest of them. He is born without his own volition and he generally dies before he gets ready. He has no faculty of saying, no chance to say whether he will be born or not, or whether he will die or not.

The great events of life are absolutely beyond his control. He has not even much to say about getting married. Man—I am speaking of. If man is like the rest of the universe, I suppose there can be little question about this. It is only when the theologian comes along and

endows man with a soul that lives forever and has no relation to anything else but God and the Devil, as the case may be, then is the only time we get into trouble over this question. If man is like all the rest of the universe, and controlled by the same laws and causes, I fail to see how there could be any question if there is free will in the universe. Why does not the earth make up its mind it will quit its foolish going around the sun every year? Why not try something new? It knows the old path all right. If it had any sense of freedom and liberty, it would start for the Dog Star and go around that for a while. Why not? It cannot go for the Dog Star; it is fixed by law; it has to go over the same old foolishness year after year when there is no reason for it any longer. If there is any such thing as free will when the farmer plants the corn in the spring why doesn't the corn take a notion to go to China instead of coming up the shortest way? Why does every man know it will come up and not grow down? If it had any free will there would be some diversity about it. It would not all grow the same way, anyhow. But, it all comes up unless there is a stone or something in its way, and then it goes around it. If there is any such thing as free will in the

universe, why don't the fishes fly? And why don't the birds dive in the water and take the place of the fishes once in a while? You would think the fishes would get tired of swimming in the same old pool and would want to see something of the world. But, they do not. They stay right where they are put. If there is any such thing as free will they would do it and the birds would. Why do the geese—I don't mean people—I mean the others—why do they fly north in the summer time and go south in the winter? I suppose those geese, just like the rest of us, think they do it because they want to. But they do not. They can not help it. If they could, some geese would fly north in the winter time, although nobody knows how they find out they ought to fly north in the summer time. And they fly south in the winter time in accordance with a fixed, immutable law that even geese cannot control. Why doesn't the deer fight instead of run? You would think he would fight once in a while. And why doesn't the bull dog run instead of hold on? He does not know. He just does it, that is all. The law of one being is different from the law of another's and each had nothing to say about his make; he had nothing to say about the forces that are controlling him and that are mixed to make him.

Is the human being any different? Is there anybody who believes that inanimate things have a choice; that the soil or rocks have free will? That the sap in the tree goes up when it wants to and goes down when it wants to? Is there anybody who thinks that the grain could do anything else but grow up in the spring and ripen through the summer and the fall? Is there anyone who thinks that the deer can do anything but run away from its enemy? Or that some other animal can do anything but fight? That the lives of animals are not controlled by the food supply? That the fishes of the sea do not swim here and there according to the food supply without knowledge or volition of their own? Is there anybody who thinks that any of these things have the slightest will or power to choose their own destinies or fix their own lives?

People used to think that. I have an old book at home which gives detailed accounts of how judges and juries used to try animals for crime. I was reading the other night the case of an old sow that was tried and convicted for killing eleven of her pigs by lying on them! These were human beings who tried the sows. Human beings governed by reason and conscience. A lot of them. And at that, they

were just as wise as our lawyers and our judges. Just as wise because the same law that governs the one, governs the other.

Is man any different? I probably would not need to argue with the Professor on the free will of animals and plants. Of course, the plant that finds itself in a soil that is not good and wants to help its growth cannot pick itself up and live somewhere else. It is fixed. That was all done for it. The animal follows his instincts, his nature, and his life, and he cannot avoid it. What about man? Is he a different creation? Of course, this comes down in the end to a theological discussion, where the Professor and I always shine. If man is any different, why? That involves us with God. We have not time to settle that this afternoon. It involves us in a belief that outside of all of this is some creator, conscious, who rules the universe and who has fixed these things to suit himself. And even then there would be no free will because it would be God's will instead of the individual's will. It involves the proposition that God made man; that he made him different from plants and different from animals, and endowed him with something that animals have not—gave him this divine reason the Professor talks about, which leads no two

men in the same direction because no two brains or lives are the same—but has endowed him with this and an immortal soul, and that he stands alone in the universe and has no relation to anything else. Can this be true?

What does Biology say about it? The origin of all life is alike. All animal life is born from a single cell; one cell is built upon another, according to the pattern of the cell, not according to the will of the individual animal. If it was built according to the pattern of the individual animal, a great many of us would look different from the way we do.

It is all built from the original pattern. The life of man is no different from any other animal except perhaps a little more complex, possibly a little higher developed. We say higher because we make the rule. The animals perhaps think it lower, and perhaps it is.

Can a man change his life? Let us take a few simple things. Is any man the master of his fate? Can he change his own life? If a man is born white can he be black? If he is born black can he be white? If you are born a woman, can you be a man? No; you might vote, but you cannot be a man. If you are born a man, can you be a woman? No; you might learn to knit, but you cannot be a woman.

Can you change your sex? Can you be tall, or short, as you will? Can you change your color? Can you choose your parents? Can you choose your environment? Can you do any one of thousands of things that enter into your life, and make you exactly what you are?

All this is cut out for you. It is cut out with no chance or power to change it. Can you make a philosopher out of a preacher unless he gives up theology? Can you make a poet from a ditch-digger? He might dig a ditch that would be something like poetry, but he cannot string words together like poetry. Can you make an artist from the germ for a blacksmith?

All these things are born first of all; they are not made. All of it is back in the original egg, from which the life came, and all the life developed according to the pattern and there is no power to change it. It is perfectly plain to everyone that no man has anything whatever to do with his origin. It is perfectly plain that in the big things of life he has nothing to say. Where he was born, what determines his religion, his social caste, his degree of intelligence, that is all far, far beyond him.

As to the power of the brain, man has nothing to do. Can a foolish man make himself wise and unhappy just by willing it? Or can a

wise man make himself silly and an optimist just because he wants to? That has all been done for him, away in advance, and you cannot help it. I cannot help being wise. The Lord knows, I wish I could. For it is great to be crazy.

And what are you going to do about it if you are born that way? About the big things of life nobody can argue that we have anything to say. If it is written down that the egg shall develop into a dog, you cannot make a horse out of it. If it is to develop into a woman, it cannot be made a man. It is probably lucky, because there probably wouldn't be any women if they could choose the egg. Anyway, it cannot be, so we do not have to discuss that. If the cell is to be a Hindoo it cannot be an American; it is out of the question. The cast has been fixed for all the ages and will come down. All the possibility is in the beginning, and when the egg is fertilized, the job is finished.

Of course, there are some things that affect the weight and the strength and the tendency of individuals after that time comes. But what are those things?

Man is made up of only two things, heredity and environment. And all he is and all he has is the product of these two. As to his heredity

—no one is insane enough to think that a man has anything to do with that and yet we send people to jail and hang them every day on account of their heredity and environment.

When you turn to his environment what then has he to say? An acorn will grow into an oak tree; it may be bigger in a fertile soil and a sheltered place; it may be stunted in a poor soil, but it will be an oak. The environment may possibly add something to its strength. But in can in no way change its pattern; that is there. And it is the same person that crawls into the grave that was laid in the cradle—the pattern is alike.

It must be admitted that man has nothing to do with his heredity. What has he then to do with his environment? For the first eight or ten years of his life, at least, when all of his most lasting impressions are formed, it is perfectly plain that he has nothing to do with this environment, no more than with his heredity. He had no chance to choose his parents. He had no chance to choose his early nurturing. He had no chance to place himself in an environment that was easy, where he could develop what was in him. He was cast in a certain environment and placed in that environment and slowly changes—and what the Professor

calls his character, forms from the environment. Later in life there is a more apparent freedom of action. But is there? After ten or twelve years of life with the heredity which nature gave him, with all of the environment added to it, an environment that he had nothing whatever to do with, and with this equipment he goes out into the world to use his reason and his conscience.

His conscience which came to him as his reason, which perhaps he has not. And if he is entirely the creature of his heredity and of his environment, supposing that man can think for a moment that he acts according to his reason, then what is meant? Then at the best his mind is a set of weighing scales where he dumps on this side the reasons for doing a certain thing and on that side the reasons for not doing it. And which side is heavier depends upon a lot of things.

First on the scales, which he did not make, and nature or law provides no way for testing these scales so he will know whether they are correct. All we know is that they are not correct, that no two weigh alike. He uses these imperfect scales which came to him—nobody knows how, excepting that he did not make them—that come to him from all of the dead

that are gone, and are fixed. Then he dumps into these scales the different reasons for this and for that.

And the reasons depend upon what? Upon the extent of his experience in life. Upon the character and the nature of the brain. According to the way the individual man determines the relative weight of this and that. No two men can determine it the same, because the scales are different and the life experience is different. Man can only act according to what seems to him to preserve life, and to bring happiness. In other words, man is purely a selfish creature. Everything comes into his scales, and he weighs it to see which will give the greatest satisfaction. The scales may be different and the vision may be different.

Take a simple question. Two men go down the street. They both see a blind man begging. One person gives him money, the other passes him by. Is one a selfish man and the other an unselfish man? Nothing of the sort. Each acts from the same motive. Each acted to satisfy himself. Each acted to ease himself. If the man who gave money could have felt better had he kept it, he would have kept it. The man who gave the money was probably cursed with an imagination and he thought how it

would be if he were blind, and in giving he relieved himself. And the man who kept his money had less imagination, and it did not bother him, and so he found his highest pleasure in keeping his money. But both of them acted from the same motive, in accordance with the same law, which is self-preservation. Or, you might carry it a step further. Seeking your own happiness; seeking your own good. And nobody can act from any other.

We all find comfort in our various philosophies of life, and our various religions. Some get it by being Catholics and some Methodists; some by being Christian Scientists; while some do not get it. But, all of us act along the same lines. We cannot help it. Let me put another thought to you.

There is nobody who believes in free will. Even the ignorant people do not believe in it, let alone a wise man like the professor. All society and all life is formed on a consciousness that there is no such thing as free will in the universe. Man is a creature entirely of heredity and environment, who has nothing to do with his own life and with his own destiny.

Let us see about it. Why it is that we have schools? Why should a child be educated? Why teach him the difference between right and

wrong, which we always teach although we do not know ourselves. Why point to the endless punishments that follow wrong and the never-ending delights that follow righteousness? We do it simply because we know that the child will be influenced by the people that he meets in life, and we try to make the foundations of his character deep, so that when he is called upon to choose, he will choose rightly. We teach him right and wrong, and the rewards and penalties that follow, so that when these things confront the child in later life, he will act rightly. If his teaching meant nothing to him, and he had free will, he would be just as apt to do wrong no matter how much we taught him. Every school in the world is founded upon the idea that as the child is born and as the child is reared, he will most likely act.

If there is free will, there can be nothing fixed and certain and definite in life, and no man could tell from another's thought or teachings how he would act, and no man could be sure if he sowed wheat in the spring that he would get a harvest in the fall.

PROFESSOR FOSTER'S SECOND SPEECH

PROFESSOR FOSTER: My friend, Mr. Darrow, is certainly a hard man to manage. Not because what he says is true, or because it is not true, but only seems to be and nonsense has one advantage over sense, you can't refute it. Also because it is suffused with such a delightful humor with which he sugar coats this ungodly pill that he insinuates down our all-too-gullible throats. The humor is something to be enjoyed, but not refuted.

The second point that makes it difficult is his charming aggregation of such a mélange of heterogeneous and irrelevant facts that it is impossible for his opponent to pick them all up and appraise them. It would take a long time to do that, even if I could remember them, and I cannot. I enjoyed them so much I did not think it worth while to interrupt my enjoyment by jotting them down as he went along.

However, perhaps I can improvise a classification of all these facts and treat the classes instead of his particular instances, and in doing so meet the issue.

But before doing so, I want you to see the

series of thoughts or conceptions into which all this anti-freedom talk articulates. Mr. Darrow, like myself, has rather a consistent theory of the world. To be sure, like myself, he does not practice his theories. He could not; he would not be here today if he did; he would be in the lake. But what is the string of things that should go together as he thinks, and what is that other string of things that should go together as I think?

Well, you are more interested in him, so I will give you his. This is the way the thing runs on.

Monism, by which is meant there is only one thing in the universe, only one kind of thing, and that this was always there, that what was not always there, was never there but only seems to be—eternalism to the negation of temporalism.

Then follows determinism, about which I will say a word of explanation. We used to speak of necessitarianism. It is of two kinds, Fore-ordination, if you think that God fixed what was to be, or Fate, if you think that nature or circumstances fixed what is to be.

Mr. Darrow has tried to make out a case for both Fore-ordination and Fate this afternoon, the two together fixing things and so they are pretty well fixed!

Now, under the promptings of Hume and Jonathan Edwards, John Stuart Mill changed the terminology from Necessitarianism to Determinism, which is better. And William James pointed out that Determinism is of two kinds: Hard Determinism and Soft Determinism.

Determinism is hard if you hold that it is circumstances or, as Mr. Darrow would say, environment, that determines you. Determinism is soft if you hold that it is your character which is so fixed that it determines you. Thus you see from Monism consistently comes Determinism. What is, is, by virtue of the antecedent and not at all by virtue of the influence of anticipated consequences. What is, is, by impact of some past, and not by the inducement of some future.

Now, Determinism eventuates in Pessimism. And you observe in Mr. Darrow's discussion that he, himself, passed from the problem of freedom to the problem of pessimism. He is not to be criticized for that, he could not help himself, he had to do it that way. But, singularly enough, when you pass into the world of morals, Monism, Determinism and Pessimism carry with them what such a man as Mr. Darrow would call Hedonism in Ethics. That

is, that the causes and motives of our actions is pleasure, and that man lives for pleasure.

As against one of our own poets who said:

Not enjoyment and not sorrow is our destined end and way,
But to live that each tomorrow finds us further than today.

As against all this, I am rather inclined to pluralism. I hold that plurality, diversity, multiplicity, are as original in this universe as unity is. There would not be any unity if there was not something to unify. And, if I am to make a choice, choose the concrete particularities, diversities, multiplicities, as the real, rather than the unity. I am reminded of a story that I now and then tell my class of an old monk. I will tell it to you.

There was a time in the Middle Ages, when there was a controversy between nominalism and realism, and the question was, which was the real, the universal or the particular. The monk was so enamored with the universal, it fits his church you see, that he said that the universal was the only real, and that he was going to practice what he preached about the matter; hereafter he was not going to eat apples and peaches and pears, he was going to eat just fruit. You see, I eat apples, peaches and pears, and Darrow eats fruit!

Then, I pass from pluralism to freedom as Darrow passes from monism to determinism. For, I affirm a relative independence to these separate existences. They are not fated by antecedent unity that forces them to be as they are. They are just as original as the unity is. I do not deny unity, but unity is an achievement. I do not deny continuity, I affirm discontinuity, I mean creativity, novelty, uniqueness.

The question is not whether we are determined at all or not. We are. And we are externally determined in part. The question is whether we are inwardly determined or not. The question is whether we are determined not by a past and a force in the past simply, or are we determined by a future and its temptation upon us because of an achievement that we are competent of making in regard to that future.

Then, along with freedom comes, not Hedonism in Ethics, but idealism. According to this a man does not always act from the pleasure-pain motive. A man does not always act that he may avoid pain and have pleasure. A man does not always choose to do what from the point of view of any proper use of the word is a selfish thing. But there is an altruistic

instinct. The very issue before this planet today is whether there is only a brute upthrust in evolution, whether brute force and selfishness shall alone determine the destiny of man and the fate of the earth, or whether to this is added an ethical process of which love is the inner force. That is the ultimate, moral issue today. And up and down the earth there are men who are saying: "I know it will cause pain and worse than pain, but I am determined not simply by the pleasure-pain thought of a hedonistic world; I am determined by the notion of duty! And let no man mutilate and dishonor the sacred word duty and ought and conscience.

Take an illustration. By the blood and treasure of your fathers and mine, this country is enjoying the priceless boon of freedom today. We were in a great struggle, where it was to be decided once again whether a nation so conceived shall survive or not; we were in a struggle which called us to declare whether we will be influenced by our own ease and comfort and pleasure and let the blood-bought treasure of freedom perish from our hands, or whether by our own treasure and blood and sacrifice, we shall, at any cost, pass on to the

future the treasure of freedom which has been purchased us by the fathers that are gone. That was our issue. So that as a fact, unless we abuse the words conscience and duty and altruism and make them mean what they do not mean, we are bound to admit that the real, inner, spiritual dynamic of this great struggle was as to whether there shall be some place for the altruistic impulses and ideals of humanity to exercise themselves in the world. As man struggles on into the region of the spirit and of will, he may leave behind him the agony of the past, and mount through a clearer air into a wider world beneath serener skies. This shall be not a monistic tyrannical universe, but a pluralistic democratic universe!

So, you see, another kind of man from Mr. Darrow will stand for pluralism, freedom, moral idealism, activism, instead of that former string of things. Now, I stand for the latter sort of thing. We cannot give up one thought without giving up all. And it is the same sort of thing in the other series of beliefs. We are isolating today just one of these items to which we are drawing special attention. That is the idea of freedom. In every debate, there should be some point, some starting point, upon which both the debaters stand. There is

such in this debate. It is the fact of the consciousness of freedom. I feel free in some of my actions. Others I do not, and so I insist upon this important matter. I am not concerned with the extent of our freedom in this debate; just how extensive it is, I do not know. It is of no extent unless we achieve it.

Can we achieve it? is the question. I am not concerned with the extent of freedom. I am concerned with the existence of it. Has there ever been in the history of the human race an act of freedom? Are there acts of freedom on the part of any of us? That is the question. Were it a question of the extent of freedom, Mr. Darrow could say that I belong to a world without my choice, and a race without my choice, and parents without my choice, and so on. He could say that, as he does practically say, I am pushed into the world, pushed through it and pushed out of it, and that is all there is to it. As against all that pushing, I want to know if there is something I do without being pushed. Well, I feel that there is. I feel that I do some things when I could have done something else. And it is on this account that I blame myself and at times respect myself. It is on this account that I have a good conscience and a bad conscience, that I have a

sense of guilt and a sense of innocence. It is on this account that through our whole life, throughout all our living socially, we are tied up and involved in praise and blame, in approval and disapproval, in esteem and contempt, in admiration and in disgrace.

So, I start with a universal conviction. Now, inasmuch as this is a universal conviction, inasmuch as this feeling is an admitted fact, why, according to any proper idea of a debate upon this question, the burden of proof rests with my opponent, not with myself. It is not incumbent upon me to prove the validity of this feeling in the face of its universality. It is first incumbent upon Mr. Darrow to disprove it, and upon me to refute his proofs. Which I will now do.

I said I thought his pell-mell of stuff with which he pummeled us could be classified. His first point is the triviality of man. Much that he said can come under that head—the triviality and transitoriness of man. I have got an instinctive and inveterate aversion to that proposition. I am rather glad to say so. How does he prove the triviality of man? He does it in two ways. The first way he classifies man with the animals—says he is just an animal. Well, I admit that. But, there are ani-

mals and animals! A man is different from them all. We are told that you can train animals to count. You cannot do any such thing. They do not inwardly and actively and planfully count. They imitate your count. That is all they can do. So, you cannot make out a case for the animal quality of man by showing the man quality of animals, that way. Moreover, you have got men organizing themselves into societies to teach hogs to count and horses to figure things, and all that. But did you ever know of a lot of animals organizing a society to make men do stunts? Did you ever? So, there is a difference, a great difference. It is an old trick to lower the dignity of man by exalting the dignity of animals. That is Darrow's trick.

Then, secondly, he proceeds further, and he puts men and animals into the class of things, of nature. Man is like a wooden Indian, Darrow said. As a question of fact, is he? The Indian does not debate with me, and Darrow does! The wooden Indian does not smoke. I do. The wooden Indian does not enter into the wet and dry controversy. I do. There is a difference. So, he goes on and lowers man still further and makes him all the more trivial by putting him in along with nature. Now, a

tree cannot go from Hyde Park to Washington Park. I can. An animal cannot read *The Critique of Pure Reason*. I can. You scatter an alphabet out-doors here along the street. Nature cannot pick them up and put them together into Homer's Illiad. Homer could. There is a difference. I protest against this effort to strip man of his dignity by such sophistries as that. I am told he is such a little thing. Man is such a little thing—a grain of sand upon the shore of the universe. So, he says. But man's triviality or dignity is not determined by bigness but by fitness and by an estimate of values. Gettysburg was not known to the peoples of the earth until the battle was fought there in which rebellion and slavery were shot to death by the million guns of the republic. Is there any triviality in man because of the smallness of the field of Gettysburg? Oh, I am told that man is trivial also because he is a small atom in a vast universe that itself will perish. Who knows that the universe is going to perish? Maybe it is characterized not simply by death but by life; not simply by decay, but by rejuvenescence; maybe there is not simply a Calvary, or a Cross for the cosmos but that there is an Easter Day for the Cosmos itself—an everlasting recurrence

of a cosmic Easter Sunday as well as a cosmic Good Friday.

Who knows to the contrary? Think how much I would have to know, to know the contrary! So, I do not accept his argument on trivialities. There is another possibility.

But then Darrow has another point, namely, the old argument from causation. That is, the universality and inviolability of cause. Man is an effect of causes, he says. I wonder if he never goes on and asks the question whether that is a half-truth and whether or not man, of all the realities of the universe, is the only being that lacks, on his own account, causal efficiency? Maybe, however, man in turn is a cause of effect? That he is not simply a being to whom things are done, but that he is a being who does things in return. That is what freedom is. Freedom is just adding the other half to his Determinism. Not merely that he is an effect of causes, but that, in turn, he is a cause of effects.

But then the objection to that is that man's very being a cause of effects is itself caused, and caused not by himself. To which I reply a thing is not what it comes from; a thing is what it is. A thing is not what is done to it; a thing is also what it does. Suppose it be

true, that man comes from a number of blind atoms; he is not blind atoms on that account! Suppose it be true, as it is popularly stated, that human consciousness springs from a monkey-consciousness. Suppose that is true. It does not follow that human consciousness is a monkey consciousness. You will observe a thing is not what it comes from; it is what it is and what it can do, and what it is to be in the untrodden years of its future existence.

So, the half-truth of Darrow's Determinism must allow this other truth on account of which the proposition seems to be indeed a half-truth.

The question of causation is an interesting one. I want to say two or three things about it. The real problem of freedom, you understand, is whether there is an excess of possibilities over actualities, or whether along with the actuality-world there is also a possibility-world. It is a question between the possibility-man and the anti-possibility man, just exactly that. Now, according to the Determinist what has actually happened is all that could possibly have happened. And what shall happen in the future shall happen solely because of what actually already is, since what is fatally forefixes what is to be, so that there is no alternative possibility. Now, I grant that this may be

so. But I deny that it is known to be so. Think how much you would have to know. to know this. I wish to point out to you, and I ask your particular attention for a moment, that the determinist's assertion transcends the competency of science. All that science can do is to deal with matters of fact. All that science can do is to pass from fact to fact; with facts, determine what other facts exist. It is not within the competency of science to pass from actuality to possibility, from facts to non-facts —from matters of fact to fact-lessness. Science simply deals with the actuality-world and it neither affirms nor denies the existence of the possibility-world.

But, therefore, if there are other considerations which warrant mention to assert the possibility-world, science allows me to do so. The contention of the man who, like myself, has faith in freedom is that there are other considerations. I have already referred to some of them, namely, the universality and the dignity and the importance of our judgment, of regard and approval of censure and condemnation, of right and wrong, and the like. Our living requires the assumption of a possibility-world. Science does not exclude the postulate that there may be such a world. Science is

the explanation, explicit and demonstrated, of all facts that are non-values. The opposites of science are two things, one is faith and the other is an estimate of values. Faith is an explicit disobedience of the maxim,—I put it gravely,—that whatever is asserted as true should be perceived or demonstrated. To have faith is to assert what lacks proof. Faith is the assertion of an unfounded conviction. I put it briefly, but truly, to you. I repeat, faith is the assertion of an unfounded conviction for no other reason than the value of that conviction in the high and holy business of human living. But neither does science assert values, as our moral and esthetic convictions do.

There are two sets of judgments. Two plus two is four. Water comes from hydrogen and oxygen. It is a mile from here to the Coliseum. Those are science judgments. Those are judgments of fact. Now, there is another kind of judgment. He ought to be a better man. He could be a better man. The sunset is beautiful. His cause is noble. Truth is better than lying. Courage is better than cowardice. God is holy and ought to be worshiped.

That is another set of propositions. Those are propositions of life. Those are judgments of faith and estimates of values. You cannot

establish by coercive demonstration a single one of them. And yet our daily life is lived upon the basis of unfounded convictions in this way.

There is not anything done in the daily round by any of us that has not been done upon the basis of convictions that are undemonstrable from the point of view of coercive proof. Freedom belongs to this class. Freedom is unprovable, but indispensable. Paradoxical as it may seem, the proof of freedom could only be made on a basis which would exclude freedom. The rational justification of your faith in freedom is that you cannot live without it. Freedom is simply my act on a basis of an estimate of value saying that this thing is good, that thing is not good; I will do the one, not do the other. And I repeat that science leaves room for the assertion of faith and for the estimate of value and it is in that region, the possibility-world, where freedom belongs.

Mr. Darrow's appeal to cause and law as negations of freedom is naive. I meet it with two considerations. Cause means more than physical, mechanical, inert causation. That is cause from out the past. But there is also personal, moral, purposive causation. This comes out of the future. Ability to lay hold of the future and make it a factor in shaping the pres-

ent is human freedom. Acts induced by a future possibility, not coerced by a past actuality, this is another way of saying what we mean by freedom. The dignity of man is just measured by the degree in which he is determined by an idea of an end instead of by an impact from a force out of the past. In a word, mechanical causation does not exhaust the human notion of causation.

But the other consideration is the wrong valuation which the Determinist puts upon cause, law, science. All this rigid mechanical determination is not actual fact, but a mere postulate of the physical sciences. Law? Law is not an ontological dogma, it is a symbolic formula of explanation. Science? Science is but our intellectual technique of purposive action. All these are but tools of man's toil. They are servants of man, by man, for man; not his master. They are not a refutation but a proof of man's freedom—not a menace but manifestation of human freedom. All this talk of law as if it were a substance, or property of a substance, or cause on its own account, is crude and naive, and should never be treated as a bug-a-boo to frighten us out of our freedom. Mr. Darrow's whole argument on the basis of mechanism amounts to saying that be-

cause a piece of pie is triangular, there is nothing to pie but triangularity!

But many of the cases which he cites comes under the old head that we are not free because choice is determined by the strongest motive. The chooser does not determine his choice, the motive determines his choice? But what determines the motive? What makes this motive strong and that weak? Why, the chooser of course. There is no motive-in-itself. There is only motive-for-me. But motive-for-me is what it is because I make it so. Instead of a motive, as something independent, determining me, I determine it, for in a very real sense I am the motive. And if you take away from me my motive-making capacity, you mutilate me,—another instance of what I said, that an anti-freedom man can make out his case only by mutilating and decimating human nature itself. As a matter of fact this argument from the strongest motive has been dropped by thinkers and now leads a vagrant, mendicant life about the streets. How do we know a motive to be the strongest? By seeing action ensue. Have we any independent means of testing its strength? None. Then in saying that the will follows the strongest motive we have merely declared that whatever precedes precedes.

But I must not let myself grow abstruse. Take an illustration. There is a ripe apple over there on my neighbor's tree. I might go along there and I would not take the apple. Even Darrow would not. A boy goes along. What will he do? Climb the fence and get the apple or not? But the apple is there for all three of us, so the motive is not in the apple but in the man. So to be determined by the strongest motive is still to be self determined, which is freedom.

Well, I can't follow Darrow in all his ramblings. Heredity makes me, he says. Why, heredity just gives me my job. Whether good or bad, it is but the raw material out of which I achieve character. I master it, not it me, or I feel I am not the man I ought to be. Environment makes me. Darrow's dirge. Why, the very dignity of man is not in his subjection and submission to environment; it is in his conquest over environment, in his making environment a servant of himself, and not himself a slave of environment.

Well, that is almost enough. We live not in a block universe. We live in a universe that is open, plastic, malleable. We live in a universe to which we bring some new force and worth by the ideals we construct and honor.

Hence we do not live in vain. We can transform the world and make it more congenial to the heart and hope of man. Life can be buoyant. Moral tasks can be carried on and fulfilled with zest and exhilaration. Man is not a fool when he has faith in the final balance of the best. The world is such that man can bend it to beat the worst and serve the best. But if, as Mr. Darrow seems to think, this world is only a machine, mindless and merciless, then the life of instinct would be all, then the enthusiast for a far-off hope, for an endlessly progressive humanity, for a profound and logical love of life, would be cast off from the land of the living; then the martyr plays the fool; then it is to saints and sages that the world has lied.

MR. DARROW'S SECOND SPEECH

MR. DARROW: Professor Foster would be by all odds the greatest philosopher that I know anything about, if he had not been first educated in a theological cemetery. He is always lapsing, and when he lapses, why, he lapses.

Now, let us see. I did not claim for a minute that science is sure; that it has found the ultimate. It has not. Because science furnishes no proof is no reason why a thing should be accepted as true.

PROF. FOSTER: It is.

MR. DARROW: The Professor says "It is."

Then of course, any man may believe anything that will help him.

PROF. FOSTER: Surely.

MR. DARROW: It would help me to believe that I had a million dollars in the bank. But I cannot. I am not fool enough. It might help the Professor to believe that he is to be transported in a chariot of fire to a place where he can sit on a damp cloud through all eternity and play a harp.

PROF. FOSTER: Not that bad; I don't fancy that job.

MR. DARROW: But, can he believe it? If he is foolish enough to believe it, all right, I do not find any fault with him. I do not know what it is to have faith without some foundation of fact. I think nobody else knows even the person who believes that he is going to be transported immediately to Heaven when he is dead. He has a foundation of fact, his grandmother told him so, and the preacher told him so. He is not believing without evidence, it is mighty poor evidence, but it is evidence.

The human mind cannot believe anything without evidence. Even if you say you believe it because you need to, that is something; it isn't much. You may be like the ostrich, put your head into the sand, to get rid of unpleasant facts, and think you are safe. The ostrich is the original Christian Scientist—he gets rid of fear by denying unpleasant thoughts.

The Professor surely does not mean all he said. The difference between him and me is he doesn't mean all he said and I mean more. That was some panegyric that he uttered on duty. But it does not do for people who want to be intelligent to just shut their eyes. What is duty, anyway? Is there any reason why you should not ask yourself a simple question like that?

Some people think it is their duty to go to mass. Some think it is their duty to stay away. Some think it is their duty not to eat meat on Friday and some not to eat it on any day. Some think it is their duty to believe in Mohammed and some think it is their duty to practice snake worship. Some think it is their duty to take care of their grandmother. Where do they get the idea? Why, we catch it just like the measles; that is all. For the most part it is a terrible hobgoblin.

A great many people have had their lives ruined by a fool sense of duty. No doubt there are a great many places where duty serves a purpose. But to govern life by duty is simply crawling out of one hole into another. It doesn't mean anything at all.

The professor does not believe what he said about conscience; I know he does not. Because, in spite of what he says he is an intelligent man and I know it. He knows just as well as I do that conscience is purely a question of heredity and environment. A man's conscience depends upon where he is raised; that is all. Of all the uncertain things to guide the conduct of man, conscience is most unreliable. What are you going to test it by? I suppose you could test conscience by duty and duty by conscience, then you would get it.

A man's conscience, if it is strong enough, does not permit him to do the things that he has been in the habit of thinking are wrong. That, of course, means that the person is governed by the past. The professor is going to add to the horror of that and say we should be governed by the future. As far as I can I want to get out of both of them, and if I were free, I would.

Now, absolutely, there is no question about this. I do not need to make an argument about it. All you need to do is to think about it just a little. The professor knows better. He did not think what he was saying. I know how a man's mind goes. He set his in motion, revolving, philosophically and wisely, and all of a sudden a cog slips and he ran into one of his old sermons. I think by the Professor's silence he has admitted that animals have no free will, or not much to speak of.

PROF. FOSTER: That is true.

MR. DARROW: But he objects to my comparing human beings with animals. Well, as long as the animals don't object, I can't see why he should. They cannot object, because he says we control animals. We cannot conceive of animals that control us—well, we might—how about the alligator, the tiger, or something or

other? But if animals do not try to control us, we try to control them. Why, in one sense that shows the superiority of the animals, does it not?

We have a right to use such scientific knowledge as we have. Is not man an animal? He says, yes. But then he says something that certainly science will not bear out, that man is a different animal from any other, that he is endowed with reason, I suppose nobility of character, although we are not working at it very hard, and a few other things. So far as nobility of character is concerned—if you call duty noble—which I would not, exactly, the animal has got it all over us.

If you count gratitude and fidelity, why, the dog has got us beaten to death! In fidelity and gratitude, we do not compare with them. But, of course, that question is not a matter of discussion. Even an angleworm has a brain. It is very weak and inferior, of course, but it is there—a little flat thing at the end of the angleworm, is the rudiment of the brain. Of course, I presume there are probably no people who have not a better brain than an angleworm, though a good many of them have no better backbone.

From there up to the ape. An ape has a brain

half as big as a man's, with the same weight of body. Of course, a man does not act like he had twice as much, but he has twice as large a brain, anyway. And that an ape uses it, cannot be questioned.

Every faculty of man is in the other animals. They can learn. But, they cannot learn as much. Of course, they could not read Kant's *Critique of Pure Reason*. Thank God! Nor could they understand Butler's "Analogy." Nobody else does! But, they can reason. They can reason imperfectly. So does the professor. Their brain is not as big; it is not as well developed; it is not as useful. But it is there. And there is no faculty, physical or mental, that belongs to man that does not belong to any animal. And I still think that it is impossible to say that there can be any general law that does not control them both alike. Each one acts from motives. The professor denies it. Did any of you ever do anything without a motive? How can you? Can any human mind imagine an effect without a cause? An effect standing up in the universe without having been caused by anything? That is beyond the realm of reason; that is in the realm of faith, and he has got me when he comes to faith—I cannot follow him. Do not cause and

effect go hand in hand through everything in Nature? And through every act of life? There are many things that we do not understand, of course, but that is no reason why we should close our eyes to the things we do understand. It will not do to say that the patient labor of scientists to arrive at facts that can be proven over and over and over again in a thousand different ways, upon which all the world acts, must go for naught, and that we should accept blind faith in place of them. Nobody could compound a dose of medicine without the use of facts. It is known how the chemicals will act upon each other. It is known as far as we have knowledge, and we can only reason from such knowledge as we have.

I am not exactly sure that my theory of reward—of pleasant sensations or painful ones, is absolutely true. I have thought a good deal about that question. I think I am fairly sure of some parts of it, but, to be sure of these things is—well, you have to be pretty wise or pretty foolish, and I am far too intelligent to be sure and not wise enough nor silly enough to be sure.

As a matter of fact, the will to live permeates the whole universe. We struggle for life. And, pleasure is part of life. It is a life-giving thing.

Pain brings death. And the struggle for pleasure is almost instinctive and probably is instinctive.

The professor says we often choose the hard things. True, we do. I have been to a dentist to have my tooth pulled, and it is painful. Why did I do it? Because I would get more pain if I did not have it pulled. That is all. We have to undergo the hard thing if it relieves or will prevent suffering or give future pleasure. We do it instinctively, we act from instinct and feeling. These things preserve life. And what we call duty, and what we call conscience, often lead us to do the things which seem the hardest, but are not the hardest. Take the example of a ship burning at sea. Under the rule of life, as it prevails on the seas, it is the duty of men to get out of the way, burn with the ship and let the women escape. I suppose that is because women are—well, never mind that. That is the rule, anyway. Then, I assume that the professor and I, and almost all men, would do that. Why? Because we could not think of living in the world if we didn't do it, that is all. Because the code is so strong and the demand is so universal that a man cannot live on the earth who does not do it. Suppose he could. Suppose he thought that he

would be happier to save himself and let the women take his place. Do you suppose the women would get their lives saved? Not at all. The men would save their own. Those are clearly established lines which men act on automatically; that is all there is to it.

It may appear sometimes that we do the thing that causes pain, but to my mind it is simply an impossibility. We feel the thing that reaches us, and until it reaches us we do not feel it. The professor says the pain and pleasure theory will not work. I am not quite sure about it. To my mind it is the most reasonable of all of them. But, he says—he quotes a little piece of a poem—what was that? "Not enjoyment and not pleasure, is our destined"—so on and so on. "But to act that each tomorrow finds him further than today." That is Longfellow. He was not much of a philosopher, nor much of a poet, either. Is there any philosophy in that? But to act that each tomorrow finds him further than today! What do you want to go so "fur" for? You might get so "fur" you would have to come back! But, is there anything in going further? If you assume there is, then you have to settle first which way is further. Further may not be so far. It does not mean anything. I would rather

call his attention to that other poem of Longfellow—"Mary had a little lamb, its fleece was white as snow," it means just exactly as much. It means nothing, so far as this question goes.

Now, everybody can settle this question for himself if he wants to. Pick out any act in your life—the most important—and trace out the chain of causes that led you to it. Find out if you had anything to do with it yourself excepting you may count that you had a wonderful brain that helped you along. But you surely did not have anything to do with your brain. You can take the most important matter in your life, after getting born and before dying. Pick out any of them—getting married. How did that happen? Well, you probably happened to go to a party, or maybe to church—and that accident got you into all the trouble—a bare accident. Take the professor or myself. How much had we to do with ourselves? How many accidents are there between Adam and our parents? How many tens of thousands of people happen to be thrown together in the universe—happen to be! Tens of thousands of them. That we were born, must have been a terrible accident, or else God was looking out for us. And now we say we did it and that what we do—so large a number of

accidents that a man cannot even consider them —that we do it of our own free will! it is the result of all the past. All of Nature has had a share. Aren't we small? What is man, anyhow? What part of the universe? What part of earth, let alone the universe? But, what part of the universe is his brief span of years, measured by eternity?

That is the reason the people who have faith to believe what they want to believe, have invented heaven, because the whole thing is not worth anything without it. Heaven is a kind of faith bank—a bank you can draw on without putting in a deposit. I have talked to many people. I have seen too many people in trouble, who would tell me—because they would tell me the truth—exactly how it happened; who would show to me conclusively that they could not have done anything excepting what they did. The professor says a thing might happen in some other way than the way it did happen. Well, how? If it could happen some other way, why didn't it happen some other way? The fact that it happened this way shows that it could not have happened any other way!

This world and all life is a chain of cause and effect, the effect perhaps in turn becoming another cause. No man can go back into his

own life; no man can imagine anything in his own life or in any other persons that came there without a cause. We are mixed with the universe; we are a part of all that is, and to say that there is any free will for any portion of matter in the universe is to deny laws and would set us afloat in a realm of speculation and chance where no one could count upon any future act in any way.

In a world of free will there could be no guide and no compass and no law and no certainty, but only lost souls, as the professor would call them, wandering aimlessly in the night.

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CAN THE INDIVIDUAL CONTROL HIS CONDUCT?

The Chairman: Can the Individual Control His Conduct? The affirmative will be sustained by Dr. Thomas V. Smith, Professor of Philosophy, Dean in the Colleges of Arts and Sciences in the University of Chicago, and also associate editor of the International Journal of Ethics.

OPENING ADDRESS OF DOCTOR SMITH

MR. SMITH: Mr Chairman, Mr. Darrow, Ladies and Gentlemen. It is highly complimentary to Mr. Darrow, one of the first citizens of Chicago, and highly gratifying to me, to see this theater groaning this afternoon under such a precious burden of human freight. Though I know Mr. Darrow would draw an audience even were he advertised for nothing except pantomime, I nevertheless, feel that I may claim in some small measure for philosophy joint honors upon this occasion.

Men are interested today, as men have always been interested, in these large questions that deal with the nature of human individuality, with the limitations under which we live, with the questions of human destiny. And we well know that no cause is too specific, no case at law is too small, for Mr. Darrow to put the universe itself on trial in the course of his professional duties. Indeed, I think it is obviously Mr. Darrow's preoccupation with his larger

type of question—with the relationship of the individual to his world—that has sent his name around the earth. And, certainly, it was his interest in such questions as this, that long ago, before I left the age of adolescence, had brought tidings to me of this great criminal lawyer. I well remember that many a hot afternoon between unending rows of glistening white cotton, below what someone has recently called the "Smith and Wesson" line, I lessened the monotony of cotton picking by reciting to myself excerpts from some of Mr. Darrow's early eloquence. It is such thoughts that have made him an inspiration for, I dare say, hundreds of thousands of boys and girls in America. I feel myself sympathetic now, as I felt myself intrigued then, with the general point of view which Mr. Darrow so often emphasizes.

In preparation for this debate, I have recently had the very great pleasure and satisfaction of reading or re-reading most of Mr. Darrow's published work; and I must say how heartily I have enjoyed it. His novel—*Farmington*—is a most delicately and artistically done idyll of American small town life. I enjoyed the novel more than anything else I read because Mr. Darrow writes fiction as though it were truth; and, as you shall soon see, he sometimes deals with truth as though it were fiction.

I have said that I have sympathy with Mr. Darrow's point of view. At its best life is hard; at its worst it is hell. For all of us some of the time, and for some of us all of the time,

the world is too much. There is no single iota of human energy expended that is not caught up by enveloping energies not our own and either hurried on to larger eventuations than we had meant or thrown back into our faces by natural counterblasts indifferent to our hopes. All of us know this. We constantly outbuild our knowledge; we outtalk our information. We sometimes dawdle into damnation, we sometimes blunder into bliss. In short, we live in a world in which, as Mr. Darrow has so often emphasized, we stand like piteous pigmies against the huge push of colossal power.

Now, this philosophy is of course not original with Mr. Darrow. Far from it. He himself would be the last to claim that. When men first came, in ancient Greece, into full possession of their powers, they went about awed by their world. A moment's time spent in orienting ourselves historically would not be wasted.

In that tragic drama of Sophocles—*Oedipus Rex*—one gets a fine classic statement of what fatalism—Mr. Darrow names his philosophy such—meant to the Grecian mind. There is born into a royal Grecian family a son, who, so said the oracle before his birth, was destined to kill his own father and marry his mother. In order to prevent these two hideous crimes, parricide and incest, the father decides to kill the child and orders him exposed on the mountainside. But the servant to whom the mournful task was entrusted thinks to combine mercy and obedience by giving the baby to certain ones who will take him to a far country to be reared. In the far country he is adopted as a

royal son and grows up in ignorance of his real parentage. Once grown he too learns the declaration of the oracle that he is fated to kill his father and marry his mother. Feeling that his foster parents are his real parents, the boy runs away from home in order to avoid the infamy; and, as fate would have it, runs back to his own land, meets the king, a stranger to him, kills his own father, goes up to the capital and, finding there a woman, who, though older than he, is a beautiful queen, marries her, has children by her—only to discover at last, in the merciless unfolding of fate, that he has done all that was to be done by him, though all men concerned had struggled to prevent the outcome.

Here is a touching picture of what fate has meant and what fatalism, as a philosophy, has meant in one form. The form in which we ourselves are more acquainted with fatalism as a philosophy, however, is in the type of Christian theology called Calvinism—specifically, the doctrine that God, the complete sovereign of the universe, arranged this whole cosmic scheme, including man's part in it, long before man was created, unconditionally ordaining a certain number to eternal bliss and the remainder to eternal damnation. A stage driver in the West of this persuasion once told me that he was among those who believed that what God had foreordained would happen whether it ever came to pass or not.

Mr. Darrow's type of fatalism is not exactly like either of these—the Greek or the Christian.

And yet it has points of kinship with both. Mr. Darrow, being himself a good man, cannot with the Calvinists implicate God in infamy, because he believes that if there is a god, God must be at least as good as civilized men. And, being a wise man, Mr. Darrow cannot return to Greek Mythologies. But he does agree with both in holding man somehow the victim of the cosmos—not of an overshadowing force outside our world, whether personal or impersonal, but the victim of heredity, pressing us from within, and of environment, pressing us from without. This is, as it were, a "home" type of fatalism, for in it we live and move and have our very being. Mr. Darrow's emphasis makes his philosophy sound more scientific for a scientific age and it certainly makes it also more defensible. But the large outcome of all three types of fatalism is to belittle man and to inhibit human effort. Goethe in *Faust* gives classic expression to this view of men when he has Mephistopheles appear before God in heaven and give this account of man in the world below:

The little god o' the world sticks to the same old way,
And is as whimsical as on Creation's day.
Life somewhat better might content him,
But for the gleam of heavenly light which Thou hast lent him:
He calls it Reason—thence his power's increased,
To be far beastlier than any beast.
Saving Thy Gracious Presence, he to me
A long-legged grasshopper appears to be,
That springing flies, and flying springs,
And in the grass the same old ditty sings!

I have always felt that fatalism has as a natural corollary a fine sense of humor. Have not the world's great fatalists been great humorists? Mr. Darrow is certainly both. They must laugh at themselves in order not to die of inconsistency. In low gear they talk like the rest of us; but in high gear they constantly contradict both their talk and their conduct. To see how true this is you need only watch Mr. Darrow as he speaks this afternoon.

Must not old Jonathan Edwards himself have smiled when he was alone in his closet with his God to think how he told people that, on one hand, they could do nothing until God touched them with his irresistible grace and that, on the other hand, they would be damned in hell—hell was hot in those days—if they did not do a lot and do it mighty quick? The humorous paradox of the whole position is well put in the story of the Calvinist missionary who was reproached by his wife for carrying firearms in his saddlebag as he rode his circuit. "You know," said she, "that the Indians cannot get you unless your time has come." "But," retorted he, "suppose I should meet an Indian whose time had come?"

Mr. Darrow, himself, shows something of this philosophic inconsistency. I have read his book called *Crime: Its Cause and Treatment*. To know that a practicing criminal lawyer could and would write such a book gave me new hope of the eventual humanizing of law and legal methods. But if you read that

book you will find that Mr. Darrow opens with the general sentiment that we are not different from criminals. Criminals cannot help being criminals, and we cannot help being what we are. But he does not close the book until, in as fine form as I have ever seen in the idealistic literature of my race, he points out to us that we ought to abolish capital punishment; that we ought to revise our conception of property and reform the laws governing property so that there will not be so many criminals; and that we ought so to individualize punishment as really to make it curative treatment for the unfortunate rather than an emotional splurge for our own satisfaction.

Now, what an inconsistency! We cannot do anything about it; and yet, for Heaven's sake, fellows, get your shoulders to the wheel and let us improve this world! Omar Khayyam got it pretty well—he was a fatalist of the literary type—when he said:

Ah, Love! could you and I with Fate conspire
To grasp this sorry Scheme of Things entire,
Would not we shatter it to bits—and then,
Remould it nearer to the Heart's Desire

But I am not prepared to emphasize too much Mr. Darrow's inconsistencies when I see him on every hand use them to make life more humane. For after all life is more important than logic. There is another reason I do not want to emphasize too much these inconsistencies, because I well know how difficult, not to say impossible, it is to be entirely consistent on this question whichever side you take! You

need not fear my inconsistencies, however; for if I do perpetrate an inconsistency Mr. Darrow is sure to catch it up on me before the debate is over.

The only point I care now to make regarding the inconsistency of fatalism is that an intellectual fatalist must be something of a humorist to keep from being logically driven to suicide. This humorous statement of fatalistic philosophy was published overseas during the war to comfort aviators:

> When you are in the air, you will either be flying straight or turning over. If you are flying straight, there is no cause to worry. If you are turning over, one of two things is true. You will either right the plane or fall. If you right the plane, there is no cause to worry. If you fall, one of two things is certain. You will either be injured slightly or injured seriously. If you are injured slightly, there is no cause to worry. If you are injured seriously, one of two things will happen. You will either die or recover. If you recover, there is no cause to worry; and if you die, you can't.

Mr. Darrow himself is a humorist, and I hope you will take some of the things he says this afternoon as humor rather than as fact. Seldom have I seen either in fiction or in writing purporting to be facts, a keener, finer, or more delightful sense of humor than in his books. And if he lives up to his reputation this afternoon, we have keen entertainment before us. But let us come to the question.

Can the individual control his conduct? In spite of my sympathy with Mr. Darrow's emphasis upon the universe I am willing to affirm that the individual can control his conduct.

Mr. Darrow is willing to deny that he can control his conduct. One of my students openly advised me this week in our college paper to bring brass knuckles down here this afternoon because, said he, Mr. Darrow didn't believe the individual could control his conduct, and that evidently he meant to prove it!

Ladies and gentlemen, I have no brass knuckles and I put Mr Darrow on his good behavior during this debate. No one could believe this genial weather-beaten man who rushes hither and thither, with or without pay, wherever men are in trouble, to defend the cause of the under dog, will fail to control himself. Beholding Mr. Darrow's conduct, I have sometimes wished that if it grows out of a lack of control, more men in the world were unable to control themselves. But of course Mr. Darrow's life refutes rather than illustrates his philosophy.

Mr. Darrow and I are sufficiently agreed upon the meanings of these several terms so that I need not take time for definitions. If definitions become needed, we can give them when the need arises.

Mr. Darrow admits that there is such a thing as control in that some parts of our physical environment control other parts of our physical environment. Mr. Darrow writes much in his book concerning social control. He admits that society can, always does, and in some measure ought to control the individual's conduct. Mr. Darrow also, apparently, is not reluctant to admit that one individual can con-

trol, up to a point at least, the conduct of another individual.

Now, starting with these admitted cases of control, I affirm that the individual can control his own conduct in precisely the same way that society controls his conduct and that he controls other people's conduct. Take Mr. Darrow himself as an example. All the world knows that Mr. Darrow can take almost any jury, at least any jury that he is willing to try a case before, and cause them to give, at the end of the case, the kind of a verdict which he wants given. That is influence; that is genuine control.

Now, how does Mr. Darrow do it? The way in which he does it I mean to affirm, ladies and gentlemen, if applied, can lead to the control of any individual by himself. If I were explaining this to you alone, ladies and gentlemen, I should say in general that the individual controls his conduct by thinking, by being intelligent. I mean by taking account of what he wants to do and by doing the sort of thing the consequences of which he likes. I should emphasize as the chief factor in human control intelligence in all its forms—insight, hind-sight, foresight. But I am not on this occasion accountable to you; but to Mr. Darrow.

Now, Mr. Darrow is not only a fatalist but a mechanist also. Then I must for his sake inquire what sort of mechanism man has for self-control. Let us not talk of free will. Let us not even talk of the spiritual nature of

man. Let us not talk too much in terms of thinking or intelligence because machines do not think. You would understand me even if I talked in such terms; but Mr. Darrow would not, for Mr. Darrow is a mechanist. We must show him a mechanism for self-control. Let us inquire what sort of mechanism it is by which Mr. Darrow controls his jurors? I should say that he controls them by the mechanism of speech by talking to them, by an endless flow of chatter. But *you* will say that Mr. Darrow has thought out his case before, that he is not only familiar with the case but also equipped with a well-thought-out philosophy of life which, when introduced at the proper time to the tired juror's mind, would make him willing to acquit the defendant of murder because it makes him willing to commit murder himself—almost! But Mr. Darrow influences his jurors by talking to them; and, frankly, that is the way we control one another. I come to you on a mission, I state my case to you. You say, from your point of view, "That is correct. That sounds reasonable. I will do that." Talk is the outstanding instrument through which we control one another's conduct, simply talking to each other. Both Mr. Darrow and I live by the sweat of our mouths. It is talk that makes the world go round.

Now, it happens that the same mechanism whereby we control other people's conduct we can use upon ourselves. We can talk to ourselves. Nature has built us curiously. It has given us not only a mouth, but ears also. My ears hear what my mouth says; and to argue

that my talk does not influence me as much as it does you, seems to say that I am more stupid than you. You know why I cannot admit such argument.

A friend of mine heard his little four-year old in a room talking to himself, and, looking through the keyhole, saw the child playing upon an imaginary piano. After each exertion, the child would say, "Do it again, do it again." All of us have seen children ordering themselves about, telling themselves what to do or what not to do, and then going ahead accordingly. Later on we cease talking out loud to ourselves, just as we reduce loud reading first to our lips and then to our larynx. We begin life as children talking to ourselves, ordering ourselves about. Later we internalize this talk. Mr. Darrow says to himself: "I will go to Detroit on another errand of mercy to defend that unfortunate Negro physician." Mr. Darrow will be there on time. There is not much difference after all in the way I am explaining this matter of self-control to you and the way I explain it to Mr. Darrow. To you I say, "As a man thinketh in his heart so is he." To Mr. Darrow I say, "As a man talketh to himself so acteth he." It may be of course that John B. Watson, the behaviorist psychologist, is right in teaching us that thinking is nothing but talking to oneself—sub-vocal articulation. But even if he be wrong, I can put my argument on Mr. Darrow's own ground and yet make out my case. We have in talking a veritable mechanism whereby we can control ourselves if we can control others. And Mr.

Darrow both admits and proves that we can control others.

Here is my case, then, regarding control. If society can control the individual's conduct, and if one individual can control another's conduct, they do it chiefly through the use of human speech. But one can use speech upon himself: and so if he can control others, he can control himself. That is not only logic but plain common sense. That is the actual way we do cause our conduct to be different from what it otherwise would be. If I thought I needed to emphasize this argument, why I should go on to point out more specifically how it is that this mechanism of talk produces results. Experimental evidence is available from psychological laboratories. I think I can show pretty conclusively, if it needs to be shown, how it happens that what Mr. Darrow will tell you is an external stimulus and which he admits controls conduct actually gets so inside us that we can with a mere word stimulate ourselves to the type of response that originally would have required external stimulation. Mr. Darrow himself illustrates this perfectly. He has so often told himself that the world is bad and life not worth living that he thus keeps himself happy whatever happens. He has actually written this secret into one of his books: teach yourself to expect little and you can be happy with what little comes to you. You see that Mr. Darrow's whole philosophy is a mechanism that he consciously uses to control not only juries but himself also.

You have, therefore, my argument for self-

control. But since a college professor never knows what to expect from a lawyer, especially from a criminal lawyer, I want to buttress my case with no more thought. Suppose Mr. Darrow admits all this I have been saying, but asks me, Where do you get these words? Don't you get them from your environment when you are young and growing up? I would reply, Surely, surely. I should not try to deny such a reasonable statement, even from a lawyer. But, ladies and gentlemen, the fact that speech is the effect of cause does not prove that it is not also the cause of effects. To be the son of your father does not keep you from being at the same time father of a son. Mr. Darrow of all men cannot argue against this: for if a given event—such as talking to oneself—cannot be actual cause of results in spite of its having been caused by other things, then there are no real causes, for Mr. Darrow denies a First Cause, i. e., an uncaused cause. Since, then, according to Mr. Darrow himself, every cause is caused, he cannot argue that because speech and thought spring out of heredity and environment they are not therefore real causes of conduct. If they are not real causes of conduct, then heredity and environment are not real causes of them.

Since I have now made out my case according to the statement of the proposition for debate, I may take the rest of my time to defend the real case that lies back of this proposition. Mr. Darrow and I both know that in spite of the specific statement of the question, what we are actually debating this afternoon

are the larger questions of human freedom and responsibility. Is man a victim of, or a participator in, his environment? Mr. Darrow's fatalistic philosophy makes man a victim. I maintain, on the other side, the efficacy of human effort even in such a world as this.

My conception of freedom is simple. We sometimes get, and sometimes do, what we want; sometimes we neither get nor do what we want. It is this matter of desire that makes all the difference. We feel free as long as we can do what we wish, and we feel either constrained or restrained when we cannot follow our desires. Since, then, the very notion of freedom rises from thwarted desires let us simply say that freedom means the ability to do what one wants to do in the light of the consequences of so doing.

But some metaphysical mind will ask at once whether one is free to want otherwise. I reply that he is if he *wants* to want otherwise. But can he want otherwise, persists the objector. Yes, if he *wants* to want to want otherwise. The moral of this is that however far back you push the inquiry, the last term will be a human want. Since one must begin with wants, why not do it frankly and gladly? Neither Mr. Darrow nor I believe in free will, because we both know that there is no will back of wants. Will is a name men long ago gave to the strongest wants, and later forgot what they had named.

I do not, therefore, depend upon free will to make out a case for freedom, neither do I talk

of the spiritual nature of man. Man is a creature of wants and wishes, and when he can follow these he is free. But another type of mind is sure to say that, if this be freedom, none of us are free. None of us, indeed, are wholly free, for none of us can do everything that we want to do. But some of us are much freer than others. One virtue of this conception of freedom I am proclaiming is that it makes freedom not a gift but an attainment.

Now with this conception, there are various stages of freedom. A man is free who gets drunk because he wants to get drunk. But this freedom does not reach far, for in doing one thing he wants to do, he makes it impossible to do many other things he wants to do. It is obvious that much freer than the drunkard is the man who has so harmonized his desires that he can satisfy any one without making impossible thereby the satisfaction of other desires. President Lowell at Harvard used to call students' attention to this point by advising them to do not what they wanted to do but what twenty years later they would want to have done. If I have so organized my desires that in following one I please my whole nature today and open up further possibilities of satisfaction tomorrow, then I am a long way on the highway to freedom. My journey on this highway is completed when I have so socialized my wants as to want to do what others want me to do. He who in doing what he wants to do can help others do what they want to do will in turn be further helped by them to do what he wants to do. That is, real

freedom demands sense enough to get our own desires harmonized and sympathy enough to further the needs of others in doing it. Lacking the one, we sell ourselves into bondage; lacking the other, society limits our freedom by snubbing us or fining us or imprisoning us or hanging us.

The conception of freedom discloses what are the real enemies of human freedom. They are ill health, poverty, ignorance, and selfishness: ill health injures our freedom by souring our normal wants; poverty ruins our chance at any large freedom because without money we cannot carry our plans into execution; ignorance commits us blindly to wants whose consequences later not only neutralize the satisfaction but defeat all other potential satisfactions, and selfishness causes us to overlook the joys of others as a necessary element in our own fullness of life.

This is no new conception of freedom. That the satisfaction of their wants is the real freedom that men have always sought can be indicated by the example of those who have most denied it. People who have said that "spiritual freedom," freedom of the "will," was dearer than economic and intellectual opportunities have always proceeded to use such so-called freedom to get them to heaven where *all their desires could be really and finally satisfied.* If satisfaction is what constitutes the glory of heaven, then satisfaction also constitutes the joy of earth. The tragedy of such misconceptions of freedom is that they have ignorant and poor men filling the coffers of

others with the wisdom and the wealth and the health that by all needs and rights were really their own. The man who has healthy wants, money enough to satisfy them, and education and sympathy enough to see in the light of distant consequences which wants he really prefers—that man, and he alone, is free.

This, then, is my conception of freedom; and I am willing to affirm that freedom so defined is, sometimes actually, always potentially, within human reach. How does this notion of freedom link up with the earlier affirmation of self-control? Control itself implies the bending of some process to some given end. We say that we control nature when we turn some of her vast energy to serve human needs, to satisfy human wants. We say that we control ourselves when we bend some of our desires into emotional channels that promise us and others more satisfaction in the long run. This control which is freedom we achieve—as you know, by thinking; as Mr. Darrow knows, by talking to ourselves.

This brings me to a concluding word regarding responsibility. If the individual is free and can control his conduct, what keeps him from being responsible? I do not feel nearly so certain of my ground here as in my other two affirmations: but I shall present my best thought before Mr. Darrow speaks and trust that he will set me right if I go too far astray in discussing a conception that belongs more to his field of law than to my field of philosophy.

I hold that men are responsible for their con-

duct, and I shall proceed as best I can to indicate what I mean. Responsibility has two primary meanings. In the first place, to be responsible means to be liable, to be answerable for conduct. This is purely the legal sense of the term: and in this sense it is of course true that every normal man is responsible. The very fact that society makes him answer for his conduct, by definition constitutes him responsible. That is the lawyer's way of looking at the matter and of settling it: but Mr. Darrow and I both wish to probe deeper than that. The second meaning emphasized by the dictionary connects the notion of being responsible with the notion of being responsive. When we say of a certain person that he is a responsible man, it is clear that we mean not only that he can and will pay damages for injuries done but also that in any situation he is likely to see all the elements involved and to respond to them all in making up his mind what to do. If he is responsive to all elements, especially to the rights of others, we call him a responsible man. If a man fails to see a child in the road because he is so intent upon the excitement of speeding, under what conditions do we say he is responsible for the death of the child? If he can be proved an escaped lunatic, we say he is not responsible. Why not? Primarily because he could not have been made responsive to the situation even if someone had pointed it out to him in advance, and nothing we can do to him now would make him any more responsive the next time. This seems to indicate that we can justly hold a man responsible when he

is capable of becoming responsive to what heretofore he overlooked. A man, then, is responsible for any past offense when any treatment we can give him now will prevent his doing the same thing next time.

Regardless, then, of whether a man could have done otherwise than the way he did do, he is responsible (that is, it is just for us to hold him liable) if we can now do something to him that will cause him to do better next time. In short, responsibility means the ability to improve by treatment. It gets its meaning from the forward rather than from the backward, look. I agree with Mr. Darrow that it is unworthy a civilized man to use the doctrine of responsibility to justify retributive punishment. Our very definition of responsibility as ability to respond to treatment indicates that it is the duty of civilized men to quit punishing blindly long enough to find out what treatment will enable men to become more generously responsive to the rights of others in every situation. Our holding a man responsible must be justified, if at all, by our actually making him more responsive. Our practice must be justified by its fruits, not by its roots.

May I illustrate the social utility of this conception of responsibility from my experience as dean in the University of Chicago? A year ago there came into my office a student who had been giving some trouble. I remonstrated with him regarding his conduct. He defended himself thus: "I am not responsible for what I have done. I am a determinist, and I know that I could not have done otherwise." "Well,"

I replied, "what you say may be true. Indeed, I am a determinist myself. And precisely because I know that human conduct can be determined I am going to do something to you now that will enable you to do differently next time." When I told him the treatment decided upon, he left school. A few days ago he returned, reminded me of the talk we had had when he left school, and said that he had come back now quite able to act otherwise. He asked for a letter of honorable dismissal in order to go to another university where he could start over under new circumstances. I gave him the letter. That the boy was responsible is proved by the fact that he did respond to treatment; my holding him liable led to his holding himself liable.

Ladies and gentlemen, I feel rather confident that I have made out my case for self-control by pointing out even to a mechanist a mechanism whereby he can, and does, control himself. As regards the larger values involved in this debate, I have declared myself as best I could upon the questions of freedom and responsibility. I have defined the concepts in the senses in which I could affirm them, and have reasons for thinking that my definitions are justified, and then have affirmed freedom and responsibility with whatever confidence my partial knowledge made possible. In a word, men are responsible insofar as they can enlarge their freedom through self-control.

MR. CLARENCE DARROW IN REPLY

Mr. Darrow: I am sure that this audience

will thank me for helping to present the scholarly and lovable man who has recently come to Chicago and has taken part in this debate. I never heard him speak before, but I have heard of him, and he has fulfilled all my expectations; not to my regret, because I am very glad that I have had the chance to hear him and that you have had the chance to hear him. I fancy he is like myself about this question; he does not take it as a matter of life or death with himself or with anybody else.

I am thoroughly open minded myself. I am willing to be convinced, but not likely to be. I have really greatly enjoyed his talk. If I had time to think it over I might be able to figure out exactly wherein we disagree. So, I will proceed to talk about free will and determinism and mechanism just as if I had not heard him. Then, after we get through we can decide whether we agree or disagree. I am sure that very few of you have listened to a teacher of philosophy with as much interest as you have listened to Dr. Smith. I scarcely knew the time was passing and I think I understood some of it, which is saying a good deal for philosophy and for me.

As nearly as I can follow the drift of the argument of Dr. Smith he believes that a man can choose to do what he wants to do when he wants to do the thing he chooses; at least, it comes pretty near to that. I am inclined to think he is right. I very seldom do anything that I do not want to, because I have found out pretty well that there are a lot of things I can not do and so I do not want to do them. If one

gets that mental attitude he is not apt to be disappointed by wanting the moon, or even wanting to be president, or some other useless thing. The one way I have found effective in this world in having my way is not to want a whole lot of things. That seems to me to be my friend's idea.

Dr. Smith says we have no will for a thing unless we desire that thing, or practically that. The desire comes first before the will to do it. I think he is right.

Then the question is, where does the desire come from? How much has a man to do with his own desire? I would assume he had nothing to do with it. Dr. Smith gave us a few illustrations about how men act and he spoke of me as winning cases with juries, which I sometimes do, and sometimes do not. There are always stupid juries. He says I talk to them. I do. I can lose a good many cases that way. But, he says, I convince, and reason that my side is right. No, Dr. Smith is not a good psychologist. I never try to convince anybody of anything by reason; I know that nobody acts in any important thing through his reason. I know that the decisions that make for life or death in this world are not arrived at by reason.

Dr. Smith has said there may be something due to the selection of jurors. There is a lot. Does any lawyer select a man because he is intelligent? No intelligent lawyer does. Does he select a juror because he is unintelligent? No. No intelligent lawyer does that. And, I most always find that, if I am on one side selecting a jury, the fellow on the other side

wants the jurors that I excuse. He wants one kind and I want another; and intelligence has little if anything, to do with it. If I am an attorney for the defendant—which I am if I am in a criminal case—I do not inquire whether a juror is intelligent. I want to know what kind of a machine he has. I want to know whether he is imaginative, whether he is idealistic, whether he is so made originally or so shaped by experience that he can put himself in another man's place. If he is intelligent, so much the better. There are emotional men and there are unemotional men who are intelligent. There are ignorant men who are sympathetic and kindly, and there are ignorant men who are stolid and cold. Why should I want that sort of a juror? Because I know that when you get down to the final conduct of men they act from feeling; they find reasons for doing the thing they want to do; and that applies just the same to intelligence as to ignorance and a little more so, because, as a rule, the intelligent man has the most sensitive nervous system. The imaginative man puts himself in the other fellow's place. Unless you can get him to do that he does nothing for you. I think my friend would agree with me that the conduct of individuals in most of the important things of life is not directed by reason and judgment but is controlled by the emotional part of life. I think everybody agrees with that nowadays.

Dr. Smith says that he has run across the statement somewhere from something I have said or done—you can run across all kinds of "fool" statements if you read all my stuff, and,

I hope, some intelligent ones; this was an intelligent one—that, while a man could not influence himself, he could influence someone else. Is that true or is it not? What have any of us to do with the making of our views of life? Something I may say might influence you people. It might not. It might influence a number of you and not the rest of you. It might influence some of you to accept the views I hold. It might influence some of you to accept the views Dr. Smith holds if you can tell what they are. You might have come in here believing you had free will and go out believing you had not.

Now, why? In case the debate changes you, then if you had not met either of us your present opinions on the subject would have remained entirely different. If you had gone away from this meeting, they would have been different. If I believe, as John Calvin believed, that up there somewhere is a Being that figured out each one of our lives, then I would say: "The Lord knew you were going to attend this meeting." He looked down through the ages and foresaw that you would be here, and that being here would affect your opinion and send you to heaven or hell, as the case might be, and that is the reason that God could make so close a guess as to where you are to go. You may have come here just because some fellow on the street asked you to, or because you had no other place to go, which is a very good reason, or because you read Dr. Smith's name or mine casually somewhere. But, the whole thing was the result of endless sequences—and a being

that could foresee it all and arrange it all knew that it would happen?

Now, of course, as Dr. Smith has said, my view of this subject is not the Calvinistic one. My friend falls into a slight error. I do not disbelieve in a first cause. I don't know anything about it. I have got one of those limited minds, if any, that cannot get so far back. So, whether there is a first cause or whether there is any such thing as a first cause, I have no opinion. I know there are circumstances and facts and events that operate as causes for each individual's conduct.

As we understand cause and effect, the first thing we need to take account of is what is a man, anyhow. He is an organism with a pi in origin. We know when he was born and when his life started and how long before his birth. We know what has entered into it. We know he has a certain strength and a certain weakness of the physical body. We know that he has a certain nervous system and that no two men are exactly alike. We know he has a certain size and sort of brain and no two brains are alike. We know that he had nothing whatever to do with this to start with.

There are very few advocates of the doctrine of free will who think a man is responsible for what happened before he was born. Dr. Smith is not one of them; neither is he an advocate of free will, as I am very glad to learn. But, what is going to happen to an individual at least is partly due to the kind of machine he has. If his nervous system is not too sensitive

and he is not too imaginative and sympathetic, he is liable to have some money left when he dies; if he is stolid, he has good judgment; so I am informed by the people who have money. If he has no imagination that puts himself in the place of other people, then he will not worry much about the world. It is unfortunate for the world—because it does it a lot of good to worry over it!

All of this, so far, is the result of the human machine, and there are no two alike, and up to that point certainly nobody is responsible; that is, the individual machine is not responsible. Other things happen after that. For the first part of his life he gets ideas and views of conduct from those about him; these enter into his machine and affect his machine, and how he develops these views is due to the machine's construction. Some are affected more and some less. Before the child has any chance to choose his teachers he has a mind pretty well set on all the ideas that he calls right and wrong. Sometimes he is shaken out of what he has his mind set upon and comes to a point where he feels called upon to judge questions; where he feels the necessity of action, and where he must do one thing or another. We will say he comes to a cross-roads in life. The question may come about in this way: on Sunday, which is the Sabbath day, here is a movie picture on this side of the street, and here is a church on the other. Which shall he go into? I do not imagine that Dr. Smith would go into either; he might take to the woods! I do not know which any one of you would go into. I do know

this: That in deciding that problem, each individual decides it according to the equipment he has when he makes the decision. He cannot decide it any other way. He decides it according to his machine. He may have a sensitive nervous system that would lend itself to pleasure; he may not. He decides according to his machine and according to what he has gathered in life, as he came along. If he believes in hell he would probably stay out of the movie because if he stayed out he could go to heaven and see better movies for less money. If he were doubtful about that, he would be the more apt to go. If he has a structure that calls for certain kinds of entertainment, and has enjoyed experiences that added to it, he would probably go to the theater. Two people might come along together; as they often do. One of them will go to church and the other will go to a theater. I have seen those things happen myself. I have seen people on their way to church when there was a theater nearby. What is the reason for the different action? It is a matter of judgment. How many infinite things determine what place you will go? Can any human being figure them out?

Suppose you stop at the outset to determine, then, what do you do? You bring up in your mind the reasons for going to church, if any. You marshal on the other side the reasons for going to the theater, and whichever are the stronger you follow. You do not go according to the weaker. You can not do it. And which are the strongest reasons to one person are

not the strongest to another person. That all depends, first, upon the kind of equipment one has and, secondly, upon the expression one has had in life.

I have said in picking a jury that the lawyer who is liable to take the side I take wants an imaginative person. From where does he get that idea? First, from his structure. But, that is not the only place. He can get it from the experiences he has had in life. Everything one meets and everything one feels enter into one's being, and whenever one makes a judgment one makes it in view of everything that has gone before. I have seen many a hard, unimaginative, cruel person, who when caught in what I will call the web of fate, has gotten into trouble. Almost universally, it has made him more kindly and sympathetic to others in trouble. He finds out how easy it is to get into trouble. Nobody is able to untangle all the threads with all their ramifications which ultimately lead or pull one here and there.

Nobody is the same at twenty as at ten. He may be worse; he may be better; he may be more emotional or less emotional. One is not the same at thirty as at twenty. One is not the same at fifty or sixty as at thirty. What difference is there? There are two kinds of differences or two that I can think of. First, the physical structure is not the same. The things that would attract one, the strong emotions that would lead one to love or to hate or to fear, may be deadened and modified. And, next, one's experiences in life have affected his

outlook on life. When one has run against a lot of things he looks out for them again. When he approaches that same kind of a thing again he approaches it not only with the machine but with the experiences that have gone into the machine. Life has made us what we were as we started; it has constantly shaped and re-shaped us over and over again, and when we approach a certain thing and seek a conclusion we approach it with our full equipment, whether it was with us at birth or has come to us through the countless experiences that most of us have met. I cannot see how it is possible for most of us to make conclusions without throwing into the scales the things that weigh for one side against the things that weigh for the other and then determine which side is heavier. I cannot see how it is possible to do anything else. And, one must determine it with the machine that Nature gave him, and with such experiences as life has thrust upon him. I can see no chance for him to do any other way.

Let me see how much chance we have. Now, my friend says that my doctrine is inconsistent with much of my life. Well, probably that is true, or apparently true. I probably do have a sensitive "fool" nervous system that makes me laugh and cry. I cannot help putting myself into the place of other people, if they get close enough to me so I listen to their troubles. Of course, I try to keep them away for the most part, because I know myself fairly well. Why do I do it? Isn't it plain? How much free will is there in any of us?

I know I have undertaken many things that I did not want to do; many things that gave no pleasure. In that instance I would weigh up the pain I would get in doing them against the pain I would suffer by not doing them. For instance, I am getting along in years, and, naturally, I have had a good deal of experience with dentists. Now, I never went to a dentist's office for pleasure. I know I am going to get a pain that begins sometime before and lasts for a while after I go. Why then do I go? I measure up the pain and discomfort the dentist will give me with the pain and discomfort I will have to endure if I stay away, and I choose the lesser evil, or at least I think I do. I may be mistaken, at that.

Is it an exercise of free will? With me, it is a necessity. So, I fancy it is with everybody. That is one reason why I never mean to judge people. Perhaps I do. If I do, I do not stand by my philosophy. Now, my friend says I am inconsistent in that I may take a person's case out of pure sympathy; true, I do, sometimes. But, is there anything inconsistent in it? Not at all. I do it because it hurts me if I do not. I do it, if not to get pleasure, to avoid pain, for myself.

Now, to get back to the jury, and I will follow it further; I try to convince a jury that they ought to do so and so. I say the jury has no more free will about it than I have. I could not help doing it. I cannot help giving them the reasons for doing what I think they ought to do. And, after they get the

reasons sometimes they cannot help acting. I have seen them try awfully hard not to do it. There is no mystery about it at all.

Is there a single step anywhere in the process where there is any chance for what is generally called free will? Just try yourself once in a while. Watch people on the street. Stop a few minutes some day when there is a one-legged beggar taking up a collection. He appeals to the same emotional side of you as he does to everyone else. Everybody who passes sees the same thing. Some people give him something and some do not. What is the difference? Sometimes you give him something and sometimes you do not. Why? Is there ever a time when there is not a reason? Sometimes you will pass him and come back. Why do you come back? Because you cannot get the fellow out of your mind; he bothers you. When you come back you can forget him. Is there anything else in it? Is there a chance for anything else being in it? You come back and give him a coin for exactly the same reason that I go to the dentist's; you get less pain by giving up the money than if you didn't do it, and had him on your mind all the rest of the day. You do not give to relieve the beggar; you give to relieve yourself. If giving will not relieve you, then you will not give. That is the universal experience; everybody can see it every day on the streets. You may go by one day, and give another day. Why? Is there a reason for it? Well, one reason might be that you did not have the money. Another reason might be that you had seen the

fellow before, and you thought it had come to be a habit with him. Another one might be. you had seen some others like him before; and another, that you were saving up your money to buy a Ford. There is a reason, anyway. Nobody can act without one. That does not mean that one acts through intellectual processes, but it means one balances up in one's mind the things that move one in one direction against the things that move the other way, and then acts according to the strongest urge.

I am glad to see in the talk of my able opponent here, that slowly the old idea of free will is getting out of the minds of the people who have minds. I am glad they are learning to see how far everybody is a creature of circumstances, and in the hand of what I might call "Fate." One need do nothing more than to examine oneself to know it: that is enough. Nobody can look over his own life and not understand why one wants this thing and that thing at the different cross-roads that mark one's path. All any one needs to do in judging others kindly is to use the same reasons in judging them as he uses in judging himself.

If man has anything that approaches free will then he stands alone in the universe. None would contend that the plants in their endless course go and come as they please. No one would contend that animal life below man has to any degree freedom of will or of choice. If man has anything else in him, he must be

different from all the rest of the universe. Science and life, and what we know of things as they are, show that man is subject to all the laws and all the rules of control that govern everything else in the universe.

DR. SMITH'S SECOND ADDRESS

The generosity with which Mr. Darrow began his refutation of my speech led me to think that he was going to agree with everything that I had said. Mr. Darrow is very cunning and has made a generous gesture of agreement. But, on the whole, he did not give nearly as much as I wish he had given and as some of you thought he was giving me. He is thrifty; and if he does not succeed, after all through his slow, careful, challenging periods in pounding home with sledgehammer blows the overwhelming atmosphere of the cosmic order, he certainly does succeed in dampening human hopes. He makes his point not so much by over-emphasizing the complexity of the world as by under-estimating the complexity of the human individual.

Indeed, Mr. Darrow's individual, as revealed in his speech, reminds me very much of the small school boy's composition on man. "Man is divided into three parts, the head, the chest, and the stomach. The head is composed of the eyes, ears, nose, mouth, and brains—if any. The chest contains the lights, lungs, and liver. The stomach is devoted entirely to the bowels, of which there are five, viz., a, e, i, o, u, and sometimes w and y."

Mr. Darrow describes the human individual as one would describe a Ford car. Here it is. All ready. Pour gas into it, put oil into it, turn on the spark, and away you go! Mr. Ford, himself, has had some experience in treating men as if they were Ford cars, but somehow or other, because of a divine or devilish discontent in human beings, they do not respond best to such treatment. To think in terms of a simple mechanism is entirely to over-simplify the human being.

I am sure of that for this very concrete reason. If the human individual, sensitive as he is to so many agencies, did not from the very beginning select from this highly complex world the stimuli to which he responds. he would tear himself to pieces by jumping every way at once. At any moment we can respond to the smallest fraction of the innumerable stimulations that beat against the doors of our senses. You are not at this moment listening to anything except me, I hope. And yet there are in this theater noises enough to drive you to distraction if you should pay attention to them. Such selection on the part of the organism from its very birth is absolutely necessary if we are to live at all. This organic life becomes a participator in the environment: and this participation increases as protoplasmic sensitivity gives way to the selectivity of higher forms, and this grows to attention, and attention flowers at last into human purpose.

What is the principle underneath this entire

process? Well, it comes finally—I am quite as frank and as certain about this as is Mr. Darrow—it gets back to the matter of interest, of desire. I take no exception, though some of you did, to Mr. Darrow's emphasis upon desire—plain wants as over against imposing intellect. But don't you ever be fooled by Clarence Darrow's talk of this sort into believing that he deprecates the human intellect. When a man has made a career for himself against a reluctant social as well as physical environment, he has used his brains. Clarence Darrow has used brains constantly and effectively: and few men indeed are more completely sold than he upon the all-importance of the intellectual enterprise. Mr. Darrow from of old has gone over the land preaching against superstition; and I think we all owe him a debt of gratitude for his latest willing defense of science against honest sentimentalism. I hope we may never lack a Darrow for each new Bryan that arises.

When, therefore, Mr. Darrow seems to belittle intelligence, as he so recently did in discussing juries, we are to understand that he means that intelligence has no *independent* function. Properly understood, I agree with him that intelligence has no other function than to harmonize human wants and desires and to see that they get satisfaction. But that is a pretty big job when you stop to think about it; and Mr. Darrow showed as clearly as I could myself in his discussion of the dentist, for instance, how intelligence functions to control the individual's conduct so as to fill life

with as much pleasure and as little pain as possible. Mr. Darrow was inclined to make slight fun over my definition of freedom. But the man who can do what he wants to do is so much more free than the man who cannot that I am inclined to think it the part of wisdom to emphasize this attainable freedom rather than to mourn over some impossible freedom that lies back of desires.

The case for self-control seems to me also fairly well made out, unless Mr. Darrow has something else to say regarding it. I admit that we control ourselves in keeping with our wishes. But, pray tell me, what other sort of control would we want? If we were God and making a world ourselves, what would we want? Would we want to make ourselves such creatures as would not want to do what we most wanted to do? Wants remain the boundary of our personality as skin does of our body; and to try to avoid the one is as ridiculous as to try to jump out of the other. What puzzles me most about Mr. Darrow's address this afternoon and about his whole philosophy is that he is constantly inclined, after outlining in general the place of desire in human life and the function of reason in connection therewith, then to go on complaining as though somehow he was simply the victim of circumstances—even when the circumstances are what he wants. Verily, the pessimist is a man who, when confronted with a choice between two evils, takes both!

Somewhat solicitous over Mr. Darrow, I

have psycho-analyzed his case in this fashion. I think that he early got an over-dose of some indigestible type of religion. He dreamed of some lofty goal for human hope, of some elysium well outside our world, of some heaven in which we should attain everlasting bliss. When he arrived at intellectual maturity and saw this dream flee into oblivion with other dear but dead illusions, he suffered some emotional trauma from which he has never wholly recovered. Disgruntled over missing heaven, he has been raising hell on earth ever since!

MR. DARROW'S LAST SPEECH

Mr. Smith said that I compared man with the Ford car. I did not mean to; I have nothing against the Ford car.

I happened to be in the country one summer where we had an electric pump. We had to use it to get dinner or a bath, if we wanted it. but every time we wanted to use it the thing would not work. When we did not, it would work all right. According to my light, that was the greatest example of free will I have ever seen. Somebody who understood electricity might have known why it would or would not run, and somebody who understands the principles of human conduct might know why man acts as he does.

What is this discussion about, anyway? My friend says we have a certain freedom to do what we want to do. This ought to be a discussion then as to whether a person has free-

dom to want to do something. Where does the desire come from? It comes from the constitution of the body and from the experiences in life, doesn't it? There is nowhere else to get it. It is wished on us. That goes to make up our desires. Now, that makes our desire, and then we have the freedom to do what we desire. I want to get my dinner when I am hungry. I have the freedom to get it because I want it, and I do get my dinner if I am where there is anything to eat. That is true. I am thirsty, and I want a drink, I have the freedom to get a drink if I can find anything. I have no control of my desire. That comes from something else. What you mean by freedom is the power to get it if you want it, and can get it. That is all it means. If I desire something and desire it strongly, I may try to get it. I may know how impossible it is and not waste energy on trying, but take some lesser desire that I might possibly be able to fulfil.

This is what Dr. Smith seems to mean; if I am in jail, and am weary, I may want to sleep. I find a cot and lie down and sleep. I do as I wish for there is nothing else to do. What I really wish is to get out of jail. Because we do as we wish it does not follow that we control ourselves. It needs no control to do as we wish. The act automatically follows the wish.

I wonder which one of us will win this debate? Have any of you got a clear idea of how much of your conduct you can control? What is it that you can control? You can con-

trol yourself to do something that you want to do, if you can do it. Of course, an orthodox friend would say that was just the lack of controlling yourself because you never should do anything that you want to do because you could not go to heaven then. Dr. Smith found some fault with my statement of cause and effect, and perhaps he is right about it. We perhaps use these words rather carelessly. If there is a cause for what I do now, of course it follows logically that there was a cause for the cause, and a cause for that cause, and so on to the end—if there is an end—and there is no man who can follow it back to the end.

Is there any such thing as a cause? It seems to me perfectly plain that there is a sequence of events everywhere in life, and after one thing happens then another happens. It does not always follow that the events are in the direct relation of cause and effect, but usually they are so nearly so that we may call them cause and effect.

If I take hold of a wheelbarrow, which is standing perfectly still and behaving itself, and push it, it is perfectly plain that I am the immediate cause of the wheelbarrow moving. There are many things not so plain as that, but all of life and all of everything, so far as I know it, is a sequence of one thing following another thing in such a relation that it substantially amounts to cause and effect, if one can find the exact moving thing.

We suppose we had such a thing as free will? Suppose it was a universe of free will?

Suppose there was no room for anything which —for lack of a better world—we call "law," then, what kind of a universe would we have? No one could be in the least sure of another's conduct.

My friend said that wisdom is an advantage, for it allows you to tell what you would do twenty years from now. How can you tell what you will do twenty years from now? No matter how much wisdom you might have, would it be possible to tell; except that you could foresee the events and sequences that would cause you to do special things?

If you believe in free will there is no chance to prophesy anything. If there was free will in the physical world and one sowed wheat it might take a notion to grow down to China instead of growing up! If there was free will, human beings would not know how one single motive would affect another. It would not be worth while to talk to them; they would not be influenced by talk. It would not be worth while to teach them; it would not change their conduct. After all, they would do as they pleased before they got through with it.

The whole world and all of life is built upon the theory of cause and effect, and ruled on the theory of mechanism, which only means this: That, so far as we can get at it, man is made of the same stuff as all of the rest of the universe. He has a somewhat different structure; but he acts and reacts according to stimuli; the stimuli outside of him, and the stimuli that become part of him from his ex-

periences in life. There is nothing that exists without a cause, and there is nothing done without motive, and, therefore, you can, to a certain extent, bet on what will happen in the future, otherwise you could not even guess. Which is the most logical thing? And, after all, it is one of the subjects which, perhaps, is very difficult to prove. You may prove it in your own life as to why you did this and why you did that. Do any of you do anything without a cause? If you are a Christian would you be a Christian if you had been born in Turkey? If you are a Republican, would you have been that had you been born in Texas, or had intelligent parents, or anything like that? If you are a Methodist, how did that happen? If you are a Presbyterian, how did that happen? Did you do it yourself? No one in his own life ever explained himself in that way. Everyone gives a reason for his conduct. Everybody can show, probably, a number of things that caused them to do the things they have done. They may not show exactly, and they may not know exactly. But we know that there is no such thing as chance, unless it is the first great chance and of this we are too ignorant to know.

We never speak or think of freedom excepting as related to man, and, granting freedom, all animals and plants do as they wish and are the result of the wish.

I think that in the last analysis this question gets down to this proposition: Is it a monistic world? Is it one substance? Is it

one force operating on all things? I fancy nobody would pretend that in the physical world, outside of man, there is any such thing as choice. The earth has gone around the sun, so far as I know, forever and ever, and keeps on acting without any reason, so far as I can discover. We are informed that man does something to control the environment, and we are told that the environment does much to control him; Man, like everything else, is born out of the environment and is a product of it, and until the time came that man could be born out of the environment there was no such thing as man. We are part of all of it. There is not a single thing in any part of the human being that we know anything about that you cannot buy at the drug-store. There is not a thing on the earth, so far as we know, that is not found in the farthest planet that we can analyze. There is not a single thing in one form of animal life that is not in another. There is not a single thing in organic matter that is not in inorganic matter. So far as we can understand the universe, those various manifestations include human life; it is one thing and operates in the same way, in an endless succession of events under the relation of cause and effect, and if one believed in free will that belief would upset the scientific theory of the universe for him.

DR. SMITH'S CLOSING SPEECH

I think the question as to who won this debate can easily be answered. Mr. Darrow and

I have both won it against an absent opponent —the believer in free will! Mr. Darrow, of course, knows perfectly well that I do not believe in free will. He has not said that I did; but he has levied sledge-hammer blows against the doctrine of free will. So be it.

There is one error I should like to correct, and that is Mr. Darrow's use of the conception "law" as that term is used by science in speaking of the law of causation. Mr. Darrow seems to think that because law governs everything, everything, including human desire, is forced to be what it is. That is a very interesting and very natural error; for it is to understand the term like a lawyer rather than like a scientist. The lawyer means by "law" something laid down as a rule that must be obeyed on pains of punishment. In the last analysis coercion lies back of every human law. But the term "law" as used by science is wholly divorced from the notion of regulation. It does not say what ought to be done or must be done. It is merely and purely a description of how things have actually been acting. The scientist simply observes that bodies attract each other in a certain way; he describes the way; and, lo, we have the law of gravitation. If tomorrow Nature acts in a different way, then we shall describe that, and have another law of gravitation as good as the other one! The fact, then, that human conduct is surrounded by what the scientist calls law, far from taking away human freedom simply means that however we act, our actions will be described truly, and that description called a law. This

distinction could save all of us a lot of trouble if we kept it in mind. Mr. Darrow thinks it a law of our being that we choose in keeping with the strongest desire. So it is; but, in the light of our distinction, this means not that we are forced so to choose but that we so act because it is pleasant, because we want so to act. Instead of this being compulsion, as Mr. Darrow seems to feel, it is the simplest and soundest conception of freedom that one can find.

Where does this want come from? Who cares! Yes, it comes out of environment, it comes out of heredity. But let us see clearly that in answering Mr. Darrow's question as to where desire comes from, we are really answering the question as to where the individual comes from; for the individual is not one thing dominated by desire as something alien; but the individual is precisely the organization of the desires we loosely call his. In realizing his desires he does not lose, but actually gains, his freedom.

Even if then it be true, with Bertrand Russell, that "man is the product of causes that had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and his beliefs are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling can preserve an individual life beyond the grave; that all the labor of the ages, all the devotion, all the noonday brightness of human genius are destined to extinction in the vast death of the solar system; and

that the whole Temple of man's achievement must inevitably be buried beneath the debris of a universe in ruins"—even so man remains free during his little day if he can but follow the settled whims of his own heart. This he can do if he live at peace with his fellows and achieve an intelligent grasp of the causal order of which he is part.

I have been urging upon Mr. Darrow and his disciples that the part of wisdom is to leave off crying for the moon and cultivate in quiet gladness the little spot of freedom that lies at hand. I have even offered, almost without a "thank you" in return, to this fatalist and mechanist who goes about the world defending individual liberty, a simple mechanism whereby he can control his own conduct and thus enlarge his freedom. A man with a vocabulary as large and as lurid as that of my beloved opponent has closer than his heart a multiplex stimulus that will give him controlled power as great as his heart desires. With all these resources at hand, his minor key should turn to a pean of joy until in quiet dignity he goes below to bank his fires for the eternal night. In the light of all these disclosed resources, I prefer to close this debate upon a note struck long ago by Socrates. That we shall be better and braver and less helpless if we think that we can control our conduct than we should be if we engaged in the idle fancy that there is no self-control and no use in seeking to achieve it—that is a theme upon which I am ready to fight in word and deed to the utmost of my power!

A DAY WITH CLARENCE DARROW

By John W. Gunn

Clarence Darrow is a big, slow-moving, slow-talking, quick-thinking man: physically rugged and calm, mentally quick and sure and simple. He has a face that is thoughtful, that is marked with much living, without being old or commonly wrinkled—a face of strong, pleasant lines, the crag of a forehead overlooking the placid valley of a face: the aspect and the manner of a man who has traveled the ways of life with the bearing of a philosopher and who, spite of rough roads and sharp corners, still sits straight and looks with a level eye upon the world. A cynic, is Darrow, who does not fit the ordinary (and usually quite false) picture: a cynic with a warm heart, an easy and friendly demeanor, a sense of humor that bubbles like a mountain spring and that, with a Voltairean destructiveness toward sham, is refreshing always: a cheerful cynic (realist is a less alarming term) whose cynicism leads to understanding, toleration and humor. He is apparently tireless, too: after a long day's auto ride, interspersed with several visits, and filled with talk that was incessant and that ranged over many subjects, Darrow showed no hint of being tired. As E. H.-J. remarked to me, Darrow, unlike many celebrities, enjoys meeting people—enjoys talking—enjoys life, in a word.

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and is stimulated by contacts of thought and human nature. People do not bore him; ideas do not tire him. One reflects that Darrow knows how to combine rest and activity—that, while expending himself, he is constantly renewing himself. It is clear at a glance that Darrow is a young man at sixty-eight: young in body and young (without the support of pretty illusions) in mind.

It was a day of talk, with many glimpses into Darrow's philosophy of life. He had lectured in Kansas City the day before on the subject of crime, discussing it not simply as the greatest criminal lawyer in the world (who, in the Loeb-Leopold case, rounded out a career of forty-one years by winning the greatest criminal trial of history) but as a thinker with a rare scientific attitude of mind. He holds that it is useless to punish the criminal, and that men generally do so with no better object than revenge. Crime is a product of heredity and environment, and these are the conditions we must study, and with which we must deal if we expect results that will be really helpful —to society and to the criminal. Stupidly enough, Darrow has been regarded as one who would ignore the problems of crime and let criminals run free: rather, being an intelligent man and having observed crime and criminals closely throughout a long life, he knows that "an eye for an eye and a tooth for a tooth" is a rule that saves very few if any eyes and teeth: he believes that, in an age of science, man should adopt scientific methods of treating crime. The criminal should indeed be "treated."

Crime, like disease, should be studied with the object of prevention or cure. The rub, however, is that Darrow has sympathy for criminals; he regards them as human beings, not necessarily of "criminal tendency"—a loose, unscientific term—who have had a bad start of heredity and a bad chance of environment. Darrow would say that a man has a "weak" rather than a "criminal" tendency; and this weakness may lead to other things than crime. The fact that he is *anti-crime* rather than *anti-criminal* is what the quack anti-criminal school of pure-and-simple punishers cannot forgive in Clarence Darrow.

As he views crime, so, broadly speaking, does Clarence Darrow view life: sympathetically, candidly, realistically: convinced that reason with a sound basis in experience is our only guide: and always, in every thought and phrase, revealing the spirit of one who asks, who seeks, who thinks rather than one who positively knows. ("The more intelligent we become, the more we realize how ignorant we are," says Darrow. "Folly dogmatizes; wisdom doubts. The method of mental progress is a more careful examination, and a whittling down—often a blowing up—of beliefs.") Seated between E. H.-J. and myself, this steady bulk of a man, with a quiet voice as even as the humming of the motor, talked as E. H.-J. drove us through a rolling Kansas landscape to the little city of Lawrence, where is situated the State University. The talk began with reflections upon that endless and interesting and amusing subject: Bunk. (Darrow likes the word "bunk,"

characteristically Darrowian in its directness, and he uses it freely. He likes simple words, simple illustrations, simple thoughts that lie close to the surface of reality. He has the simplicity of a philosopher, and an elaborate theory or string of phrases does not impose upon his mind. He knows that what is called profundity is often reached by jumping over the evidence plainly before one into the field of speculation.)

Bunk suggests religion. Darrow spoke of his good fortune in having been raised in a free-thinking atmosphere. His father and mother were skeptics. "My parents didn't teach me to believe in religion," he said with a laugh. "When I grew up, I showed them how to disbelieve in religion more thoroughly." Speaking of the deathbed recantations that are charged to skeptics, he said: "They are lies, of course —certainly the more popular tales, about Voltaire, Paine and Ingersoll. But suppose they were true. They would prove nothing. A belief that is wrung from a dying man by the fear of hell is no more valid than a confession extorted by the third degree nor a title to property that is obtained at the point of a gun. An opinion that is not free is worthless. I can understand how a man who has been doped with religion in early life, and who gets it out of his system, may revert on his deathbed to this carefully implanted fear. Never having had any such fear, or any such belief, I am pretty certain that I shall go bunkless to the grave—though I may not escape the lies."

Immortality? It is the last thing men cling

to—as a vague hope or a kind of pathetic faith —when they have discarded the impediments of superstition. "Sometimes I am asked," Darrow smilingly observed, "if I'd like to believe in immortality. What a foolish question! We'd all like to believe in it. But there simply is no evidence for it. You have to be able to fool yourself—and some of us can't do that, or don't think it's worth while. It's not as if we were pulling away from belief or shutting our eyes to the evidence. The tendency is toward belief, if possible. But—if wishes were horses, beggars could ride."

"They say that the desire for immortality proves it to be true."

"It proves simply that a man who has a thing that seems good to him wants to keep it. A man who acquires wealth, wants to keep it. A healthy man doesn't want to be ill. Politicians who are in office want to stay there. Some persons, fascinated by the history of the past, wish they had lived in some other age—before Christianity, let us say. These desires are idle. Things are not proved true merely by wishing them. And it's not eternal life in heaven that people wish. They wish just life —the continuance of the kind of life they know —life of the earth earthy. It's no fun to think of being a spirit for eternity. We can only think of ourselves as we are now."

A reminder of the familiar sophistry that one can't prove a man is dead when he has breathed his last, any more than one can prove the theory of another life, brought a chuckle from Darrow.

"You can prove it if you can prove anything. Throw a cat into a furnace, and dump the remains into the ashcan, and nobody thinks of denying that the cat is dead. Shoot a horse, and let its carcass putrefy, and the vultures pick its bones bare, and men will admit that the horse is dead. The fiction of the soul, invented by priests, is applied only to man—in the past it was not even admitted as to woman. Yet a dead man, by every rule of rational evidence, is exactly like any other animal that once breathed and now is a heap of dust. It is the egotism of man that inspires his belief in the soul. And perhaps, if we but knew, a horse thinks that *it* is immortal. No—if you write something on a slate, and then rub it off, it is foolish to say you can't prove the writing has been destroyed."

A cynic, of course—a man whose words are destructive of deluded hope—and a man who happens to be truthful. And, by the way, Darrow can't abide the words, "destructive" and "constructive." They are silly words, he avows; they mean nothing; they are used to confuse thought, to obscure truth. It is delightful to hear Darrow, with a trace of emphasis not habitual with him, enunciate with droll scorn: "*Destructive! Constructive!*" His very mention of the words annihilates them. Darrow wants to be free to think in any direction that interests him, without running into a sign: "Think in the Other Direction—Be Constructive." An idea is reasonably true or false—interesting or not—agreeing with or opposing itself to the evidence: and it is in this wise

that a man of sense naturally examines the ideas of other men. There are many things in the world, including ideas, that should be destroyed. There is many a pile of bunk that should never have been constructed.

"The other day a friend came into my office in Chicago," said Darrow, "and he referred to some idea as not being constructive. I asked him if, when a man dug the weeds out of his corn, he should hasten to plant them again in his potato patch. And if a man has a headache, he simply asks the doctor to cure it—and doesn't bother him with the question of what he will 'put in its place.' A clear head is sufficient. And sound thinking, a seeking after truth, is the best we can ask intellectually."

E. H.-J. referred to the classic argument of the watch, that has dismayed many a doughty skeptic: it is argued that, if a savage came upon a watch lying in the wilderness, he would instantly realize that such a wonderful mechanism must have had a maker: ergo, we know that the Universe is the work of a mightily intelligent, ingenious Creator.

"The argument won't bear analysis. Those who have accepted it have failed to look closely at the premise. They have been too ready to admit that this hypothetical savage would wonder at the watch in a special way—that he would realize the intricacy and delicacy of this mechanism. The truth seems to me that a savage, finding a watch lying on a rock—and having seen neither object—would be no more impressed by the one than by the other. The

question of a maker wouldn't enter his head. He wouldn't ponder how watch or rock came to be. His first thought, if any, would be what he could use them for."

I asked what he thought of the notion that intolerance is an indifferent issue today—that the fight for freedom of belief was won long ago, substantially in Voltaire's day—that it is idle to raise the cry of "Toleration" when men can no longer burn, imprison or otherwise punish their fellows because of a difference in articles of faith.

"How do you know they can't?" came the deliberate, slow query. "They don't. Why not? Simply because they don't want to—the question of religious belief is not important in this day, not important as it was in the Middle Ages or in the days of heresy hunting and blue laws in New England. Of course, people are religious, or think they are. The Church and Puritanism rule the thought of the country. Intellectually, dogmatism is in the saddle. And there are groups of fanatics who would, if they had the power, go any length to compel the unbeliever—or crucify him. Society as a whole, however, does not bother sufficiently about the religious question to be in a killing or mobbing mood. Other questions are to the fore; and when you touch these questions, you find that intolerance—the physical side of it—is with us still. For example, property interests will agitate men today more quickly and deeply than all else. The man who attacks a property interest, even through the propaganda of an idea,

is not safe. He may be punished: even the propertyless mob may be incited to violence against him: and all this, on occasion, without regard for law. A law on the statute books does not guarantee safety. A law that does not conform to the customs, to the prejudices, of the people is practically a dead letter. If the medieval fanaticism on the subject of religion were to be suddenly and widely aroused, you would discover that laws for toleration would be a slender protection for heretics.. . . Take the race question, and you again observe the actual, horrible workings of intolerance. And patriotism—what outrages, proofs of the possibility of illegal intolerance, were committed in 'free America' within our recent memory! . . . 'Free America!' America doesn't know the meaning of liberty. Its ideal of liberty is the rule of the stupid majority and, one way or another, intolerance for the man who differs. . . . It is a fallacy to assume that only the violent type of intolerance should disturb the thoughtful man. We want life to be free. We want it to be civilized. We want ideas to be assured a decent hearing. We cannot be foolishly indifferent to what the mob thinks. We can never trust the mob until we destroy it by making it intelligent. Intolerance—mental intolerance, carrying no visible rope, and within the law—upholds today many evils that are not only painful for the sensitive man to behold but that are physically painful for many to endure who cannot escape them. We cannot have a peaceable, safe, happy world without free thought. I mean free thought

in all relations of life, a willingness to listen to the thinker, and the spirit of approaching things with reason. I realize perfectly well that I am talking now of the idea; and I am not so optimistic as to expect it the day after tomorrow—perhaps such a condition will never arrive: very probably, so far as we can see, it will not. And yet it is and that every blow in behalf of toleration, in behalf of liberty, should be regarded as necessary. After all, I am just enough of a cynic to believe that it will be a long time before any such blow will prove useless and a waste of energy. . . ."

Freedom is a favorite word with Darrow. It is what he believes in first and last and continually. I could not fail to note, and to me it was very significant, that when he wished to express a favorable opinion of some one, he would begin by saying, "He is for freedom." And by freedom he implies the widest kind of construction the word will bear. He does not mean that travesty, that hoax, that bastard of an idea—freedom to think as he thinks or do as he does or like what he likes. I recall an excellent aphorism of Mencken's, that freedom means the toleration of any action or idea that is at all consistent with the notion of a habitable world. Such is the conception of freedom that is vital to Clarence Darrow, and for which he is always speaking with a full breath of courage. . . . Another feature of the Darrowian vocabulary is a dislike of the word "guilty." The word is meaningless to Darrow. It connotes a thought of blame that he is not willing to pronounce upon

any man. Speaking of this case or that, he would say: "The man did it—whether 'guilty' or not, I don't know." Even Darrow, a lifelong student of crime, feels that he is never fully informed about the circumstances back of a man's deeds no less true that we must strike out for what we believe to be true, and therefore judgment—that commonest of vanities—is an attitude he abjures.

. . . Swinging again to religion, E. H.-J. remarked upon the hoary notion, so popular in the "great open spaces" of stuffy old-fashioned theology, that one should "play safe" by professing a belief in religion—of course (but why "of course"?) in Christianity. There may be another life, we are told: if so, the skeptic is the loser: on the other hand, if there is no life after death, the believer will be no deader than the skeptic—and he has, whatever befalls, insurance against damnation.

The devil entered Darrow—that is to say, a smile crinkled the cynic's eyelids ("People swear you're up to something devilish if you smile," says he), and he reflected with an effort, as it were mockingly, of profound thought.

"Now just suppose—this is all supposition anyway—that somebody—were to come along and invent something worse than hell: say we were told that we should be run through a sausage grinder for all eternity. Then, according to the 'play safe' theory, we'd have to join that religion too. Again, I am bound justly to ask myself: Can I trust God? And I say, I wouldn't put an ounce of faith in the promise

of a God who threatens to burn me in a hell if I refuse to believe in him. . . . The least any man can reasonably do, if he is going to take out a fire insurance policy, is to inquire what kind of a company he is dealing with. And he ought to demand a mighty good, sound policy. God's word isn't enough—not for me. If God will write a policy and the Devil will guarantee it, maybe I'll consider it. . . ."

Then came another question—a flying leap of speculation to the other end of the Unknown:

"Just how important is Heaven? Christians pretend to stress it above all earthly things. They depend upon it for their chance of eternal bliss. Yet what do they know about it? and what sensible, detailed inquiries do they make concerning it? If a man planned to spend the rest of his life in Kalamazoo—say, a little matter of twenty years—it is only natural that he'd want to know something definite about it. He'd ascertain the kind of people he was to live among: what the climate might be: how the people supported their existence, what were their habits, what kind of laws they were required to obey: and, first of all, he'd want to know in what direction Kalamazoo lay—whether north or south, up or down. Now, we observe a curious thing: that Christians, who declare a hope—even a firm intention—of spending eternity in heaven, know nothing about it and do not try very diligently and carefully to find out about it. They bank on heaven with the assurance of the slightest and

vaguest kind of evidence—no evidence really, and no direct unimpeachable testimony. They don't know where it lies—what it resembles—what sort of life it holds for them. They hear a fairy tale about it—and the rest is sheer, blind credulity. As I say, I'd like to believe in immortality—I'd like to believe in the right kind of a heaven—but I'd want to investigate it more carefully, and I'd be far more curious about it, than Christians. . . ."

Now Clarence Darrow—lawyer, criminologist, philosopher, artist—drops his hammer, well padded with humor. Slowly he crumbles a piece of toast (we are at lunch) that he has ordered and has not eaten. He is for a moment reminiscent about the law, which he has abandoned to write his philosophy of life, in the ways that are simple to his charmingly versatile and vivacious pen. He tells a story of subtle humor:

"A woman brought me the case of her son, thirteen years old, who was charged with rape: a foolish case. I saved the boy from the blindness and brutality of the law, and told the mother that she owed me nothing. She asked if there was anything in the world she could do for me. 'Nothing,' I replied, 'but you can just pass the favor along. Do something for somebody else, when you have the chance.' I had forgotten the incident when, about a year later, the woman appeared in my office. She reminded me what I had told her—about helping somebody else. Now, she informed me with an air of homely benevolence; the oppor-

tunity had come. A boy was in trouble over at the jail, and friendless and penniless, and she was bringing his case to my attention. If I helped the boy, she would feel that she had repaid her debt of kindness to me. . . . I meditated, recalling the old adage, that bread cast upon the waters will return. . . ."

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ON THE QUESTION

"IS LIFE WORTH LIVING"

Yes: FREDERICK STARR
Anthropologist, University of Chicago

No: CLARENCE S. DARROW

GARRICK THEATRE

Sunday Afternoon, March 28th, 1920, 2:30 P. M.

UNDER THE AUSPICES OF THE
"WORKERS UNIVERSITY SOCIETY"

Chairman: ARTHUR M. LEWIS

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Closing Notes

I

If you change your address during the spring or summer. please let me know by mail at 54 Burton place. so I may change your address on the program mailing list.

II

The opening meeting of next season will be held at the Garrick Theater the first Sunday in November—November 7, at 2:30. You will receive the first program about ten days before the opening meeting.

III

We are expecting Mr. Clarence S. Darrow to open our next season with his great lecture on "The Foundations of Right and Wrong."

IV

Professor Starr will not leave this country until Christmas, so we are expecting one or perhaps two Darrow-Starr Debates in the fall. "Is Civilization a Failure," would be a splendid theme for a debate early in November. Look out for it. Also, Prof. Starr's great lectures on "Fire" and "The Story of the Alphabet." Also his great course of four lectures on Africa.

V

My own work next season will be chiefly in Biology and Geology with, of course, some Astronomy. I shall have some splendid illustrated lectures in these fields which I shall make as near perfect as I can during the summer. One will be my own work on the Geology of the Grand Canyon during two recent explorations, with Mr. Meltzer. I am hoping to make our work in Biology—the great Science of Life—next season surpass anything that has ever been presented to the American public.

FINALLY

Let me thank you cordially and personally for your splendid and loyal support and co-operation during the successful season now closing, and especially for the splendid audience that fought its way through the blizzard last Sunday to see and hear my lecture on "The Marvels of the Spectroscope".

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"Is Life Worth Living?"

The Chairman: These two gentlemen have met before on this platform in discussion. I hope they will meet again. I think you will have the privilege probably next fall. The last debate was on the question: Is the Human Race Getting Anywhere? The debate today is on a question which interests us all and has to do with the great philosophy of pessimism, of which Mr. Clarence Darrow is the greatest living exponent. The day which brings these two central suns in conjunction is a wonderful day. The question: Is Life Worth Living? is the question to be be discussed today. The debate will be opened by our distinguished friend, the greatest anthropologist the world possesses today, Professor Frederick Starr, of the Chicago University.

PROF. STARR'S FIRST SPEECH.

Professor Frederick Starr said: The subject we are to discuss today is very simply worded and it can be very simply discussed. It would be possible, of course, to indulge in any flight of oratory, to reach any depth of philosophy, in a discussion of this question, but it is not necessary either to indulge in oratory or in philosophy. I hope I shall present some facts that are worth thinking over.

Is Life Worth Living? And before we take up the discussion of the question at all, I want to emphasize what the question is not. I suspect that we are going to beat a great deal about the bush in this discussion instead of getting right down to the central thought, which is merely: Is Life Worth Living? Now, there are three things I want to call attention to as not involved in the discussion. First I want to say that we are not called upon in this discussion today to tell where man came from or whether it is fortunate that he came or how he came; nor is it for us to say where he is going, or what comes hereafter. These things form no part of the question, Is Life Worth Living.

I used to find a good deal of pleasure in this passage which I first read in its old, old English form:

To **Edwin, King of Northumbria,** an aged counsellor said:

"You know, O King, how on a winter evening, when you are sitting at supper in your hall, with your company around you, when the night is dark and dreary, when the rain and the snow rage outside, when the hall inside is bright and warm with a blazing fire, sometimes it happens that a sparrow flies

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into the bright hall and then flies out at the other end into the dark night again. We see him for a few moments, but we know not whence he came nor whither he goes in the blackness of the storm outside. So is the life of man. It appears for a short space in the warmth and brightness of this life, but what comes before this life, or what is to follow, we know not."

That is as true today as it was a thousand years ago. But I want to emphasize absolutely the fact that it is this life we are talking about; it is this little space of time; the period when the sparrow is flying through the hall. It is not whence the sparrow came on the one hand, nor whether the sparrow goes, on the other hand. It is simply whether the sparrow enjoyed, there in its terror and flight, the warmth and light and beauty, as it flew through the hall. Bear in mind, then, that whatever goes into either of these questions is not pertinent to the subject.

In the second place, I would call your attention to the fact that we believe—and when I say "we believe" I mean this audience believes, because I know just what this audience is; I know its attitude toward things—this audience believes that mankind has come into being through the operation, through ages, of certain influences and causes. Mankind is the result of operations that have been going on through a long period of ages. Well, now, mankind in becoming, has been adapted to these conditions. In other words, mankind fits; mankind **must** fit. It is inconceivable that man should **exist** unless he fits the situation in which we find him, and, it is inconceivable that he should continue unless he fits into the condition that we find him in. In other words, if we believe, and we do believe, that man is the product of evolution; he cannot possibly be a misfit in the surroundings in which he exists. If he should be so he would disappear and die; if he ceases to fit, if he ceases to be in harmony with his surroundings, he simply disappears. And the mere fact of the existence of one billion, six hundred million human beings on the earth today (a number which, notwithstanding the late dreadful war, is increasing every day, every week), the mere fact of the existence of such a human population shows there is not a genuine maladjustment. There is, of course, maladjustment here and there, single and individual cases; yes—poverty, sickness, suffering—all those things exist, but they exist because man himself has meddled; because man himself has made mistakes; because man himself has brought about in these individual cases a maladjustment. But the very fact that we have that number of human beings—greater, unquestionably, than ever in the world before—demonstrates that life is not a failure.

There are, then, two ideas not pertinent to this discussion. We often see in similar discussions, the introduction of a cruel, tyrant God, making people weak, putting them into hard and unhappy surroundings which are impossible; no such discussion has any pertinence today, because if we believe that man became as he did, we may rule out of all account any thought of such a tyrant God. He is beside the mark. Notice: Not only is a tyrant God beside the mark but, too, a vengeful Nature, spelled with a big "N" is beyond the mark. If there is such a Nature, dealing in horror, destroying from sheer desire to destroy, you surrender at once the very foundation or fundamental idea in regard to man's becoming with which we started. So I say a line of argument cannot possibly be adopted in which such a God as I have suggested is held up before your gaze, nor in which such a Nature as I have hinted at can be called in.

There is a third thing that this debate cannot include. This is no debate here on optimism and pessimism. I do not care how Mr. Lewis introduced it. He introduced it so because he is used to talking that way. I understand that the question whether life is worth living is not a dispute between optimism and pessimism. I am not an optimist and I will not permit Mr. Lewis nor Mr. Darrow to put me into a position of that kind. An optimist is a man without a brain! An optimist is a man who gives no consideration to the world; who can shut his eyes to evident facts. I am not an optimist, and this is not a discussion between pessimism and optimism. On the other hand, there is only one step of improvement between an optimist and a pessimist; only one, and I am not a pessimist—no. I think one pessimist on a platform is as much as the world could possibly stand at any one time.

Well, now, I am quite serious in saying that if we are today to discuss the question, Is Life Worth Living, we must rule out all the things I have indicated. We must rule out the question as to the unknown past and future. We are dealing with the present. We must take out the idea of that cruel, bloodthirsty and wicked deity, and we must rule out the idea of a capitalized Nature, and we must rule out the idea that we are talking about two systems of philosophy, optimism and pessimism. Now, I hope I am sane. I hope what I am going to say to you is simple, straightforward statement. It is not optimism on the one hand; it is not pessimism on the other hand. I shall not shut my eyes to sad things; but I shall not dwell on them. **He** will.

What remains? Why, the question as to whether life is worth living, remains. The question as to whether this little period of time during which we are in the light and warmth of the hall, is something worth while. That is what remains.

And the discussion we have before us is to talk about life, its employments, enjoyments, and whether it can be shown how we can get the most out of life. Very good, then; let us see. I one time spoke to some school children graduating. I always try not to talk twaddle on such occasions, but to talk sense because the children need it badly; they have been in poor hands much of the time. If you do not believe that, read Darrow's **Farmington.** I think his chapter on the **School Readers** is lovely; I do, indeed. Now, in the talk I speak of, I started out by saying: "Young friends, if you were asked what you want you would quite likely answer: 'Health, wealth and happiness'." It is perfectly proper that people should want health, wealth and happiness. Perfectly legitimate. It is reasonable that a man should want to be healthy, wealthy and wise. Those are things we may strive for. We are not sailing on an uncharted sea. It is not true that people do not know what is good. It is not true that the world has not learned what is worth while. There have been human beings for hundreds of thousands of years; there have been men, women and children living through this vast period of time. They had every kind of experience that can be thought of. They have had their joys; they have had their sorrows; they have learned what is worth while. It is not true that we do not know what things are good, what things are lovely. It is not true that we have not reached ideas as to the true, the good and the beautiful. No. There have been too many thousands and hundreds of thousands, millions and billions of people pegging away at the problems of the world for us to have any question whatever as to whether there are legitimate standards of the things that it is worth while to try to reach and gain.

When I examine the different things which people have said are worth while trying to get, I recognize the fact there are many men of many minds. Of course there are. I am glad of it. How stupid the world would be if we were just all alike! You wouldn't have to come here to hear me and Mr. Darrow if you all thought exactly alike; if we all had been run in one mold. There wouldn't be much enjoyment in life. It is because men are different, have different enjoyments, brains and ideas that life is worth living. Every man is different from any other man and any man has a right, within certain limits, to the enjoyment that he can find. It is not for me or for any other person to actually say that a man shall not find enjoyment in the lines that please him. For example, I like to travel; I find a good deal of enjoyment in travel. But it is not necessary that everybody should travel. Mr. Darrow likes biology; that is a fine thing, but that is no reason why everybody must like biology. No. A little biology may please him. No biology at all may please you and you and

another. That is all right. I am not anxious that you should travel; I am not anxious that you should study biology. No; you have your preferences. I am glad you have. A few days ago—a few nights ago, I stood for a long time and enjoyed that splendid spectacle in the northern heavens. The finest Aurora Borealis I have seen for many long years. Wasn't it a splendid exhibition? I am sure many of you stood with enjoyment and saw that splendid natural phenomenon. And yet I know I have four friends who were urged, begged and pleaded with to come out and look at the Aurora Borealis. Did they go? No; they were playing cards ,and they kept on playing cards through the whole of that splendid display. Well, thank heaven, there were some who appreciated the Aurora more than that. But I am not discontented that those four men played cards instead of going out to see the Aurora. There is no actual accounting for tastes. But there are different tastes. But, after all, there are limits. For instance, husks can be eaten; yes, a person may eat husks; some animals might really enjoy eating husks. But, after all, everybody knows that the soft, fine grains of corn are vastly better and more valuable than the husks are. Still, that is no reason why people who like husks should not eat them. People have a right to their own forms of enjoyment, and yet there are limits, of course.

Notice: These limits are not due to Divine command nor to man-made laws. They are due to the nature of things. Man became. And, in becoming there are certain things he cannot do in the way of desiring or finding enjoyment. There are things which involve a penalty for the man who tries to do them. No man can thrust his hand into the fire without suffering the penalty; no man can overeat without suffering; no man can go without food and continue to live. No; there are certain fixed limits within which a man must find his enjoyment; within which he must confine his life. Those limits are not, as I say, in this final manner, fixed by Divine command nor by man-made laws. No. They are in the nature of things, which produced this human being, capable of enjoyment.

There is another class of limitation. It is true that we are not alone. If I was alone, it would be quite possible for me to do anything I wanted within the range of my muscular and mental effort and there would be no harm done, unless possibly to myself. But we are not alone. There are many people, and it is true that if I wish to do certain things I am not only subject to the limitation of my actual nature, I am also subject to the limitation that I am not the only man living in the world. These two things limit my field of possibility and my enjoyment of life must be limited by those two things.

I reduce my system of pedagogy to very narrow limits. I sometimes am asked what is proper to teach to young people. And I think of a boy more naturally than of a girl when we speak of being educated, and I have often said there are two things a boy should be taught, from the time he begins to be old enough to gain any knowledge from the world. One is to recognize and demand his rights; the other is to recognize and admit the rights of others. That is the only education that anybody needs; that is the only education necessary to make life happy; it is the only sort of training that young people ought to have. Still, let us come to detail.

There are, then, two ways in which we must look at this life if it is to be lived with the idea of having it worth while. The first is with reference to ourselves; the second is with reference to others. Schopenhauer—a name which I suspect our friend on the left has heard—Schopenhauer recognized three kinds of pleasure. Notice that he speaks of them as pleasures. First, vital energy, such as food, drink, digestion, sleep, rest, and so forth and so forth; next, muscular energy, and under this he mentions sport and exercise, and so on; third, sensibility. Enjoy vital energy, muscular energy and sensibility. None should be neglected. The best man is one who has all developed evenly and suitably.

Health is largely a matter of one's thought. I am not a Christian Scientist, but I know most people are well when they think least about themselves; that they think least about themselves when they are most well. A person with a little the matter with him can make it infinitely worse if he chooses. Of course he can. I have already said that sickness exists. I am going to leave Mr. Darrow to find all these horrors for you; he will find them. I admit all these things exist. It is unfortunate that they exist. I am sorry for the man who is suffering physical pain. I am sorry for the man who is suffering the absolute privations due to poverty. I am sorry for the man who suffers from the meanness and wickedness of other people. Yes, sorry for all those things. But, after all, we often make things much worse than they need to be.

I want to read about two men, suffering under disadvantages, who met the disadvantages like men. There is a great deal in not paying too much attention even to the great troubles of life, and in meeting them in a manly way. There is the case of Epictetus. I like to talk of the old man.

"I must die, but must I then die sorrowing? I must be put in chains. Must I then also lament? I must go into exile. Can I be prevented from going with cheerfulness and contentment? But I will put you in prison! Man, what are you saying? You can put my body in prison, but my mind, not even Zeus himself can overpower."

Jeremy Taylor says:

"I have fallen into the hands of thieves; what then? They have left me the sun and the moon, fire and water, a loving wife and many friends to pity me, and some to relieve me, and I can still discourse; and, unless I list, they have not taken away my merry countenance and my cheerful spirit and a good conscience. * * * And he that hath so many causes of joy, and so great, is very much in love with sorrow and peevishness who loves all these pleasures and chooses to sit down on his little handful of thorns."

He must be very much in love with sorrow and peevishness when he has so much joy in sitting down on his little handful of thorns. There are people who, when you ask them how they are will say: "I am enjoying very miserable health."

We are talking about ourselves. It is the agreement of all opinion that the greatest source of happiness and satisfaction are within ourselves. And the greatest thing that a man can ever have is the matter of personality. It was Schopenhauer who said that "happiness exists for the most part in what a man is in himself, and that the pleasure he derives from these blessings will depend entirely upon the extent to which his personality really allows him to appreciate them."

If a man is going to be happy he not only must use the different elements toward happiness that exist in his personality, but must wisely use his time. You know an idle man is a sad man. A man who finds something all the time to do is happy. The man who really gets something out of life is the man who does not lose time. Not that one should be running a Marathon race every day and hour. No. But the man who occupies his time sanely and sensibly is the man who gets something worth while out of life.

Sir John Lubbock wrote a book on the Pleasures of Life. I like to quote him for certain reasons.

"But is it true that the ordinary duties of life in a country like ours—commerce, manufactures, agriculture—the pursuits to which the vast majority are and must be devoted—are incompatible with the dignity or nobility of life? Surely this is not so. Whether a life is noble or ignoble depends not on the calling which is adopted, but on the spirit in which it is followed."

Again:

"It is generally the idle who complain they cannot find time to do that which they fancy they wish. In truth, people can generally find time for what they choose to do; it is not really the time but the will that is wanting."

I want to say for Sir John Lubbock that when I was in London in 1899, they told me what I had not realized before,

that Sir John Lubbock was the busiest man in London. He was engaged in large affairs. He was president, trustee, director in banks of importance; he was the head of many important organizations; he was member of more important committees than any other man in England. And yet, as you know, he wrote book after book. And these books demanded the most close, rigid, continued, minute investigation. If Sir John Lubbock, the busiest man in London, could write a book on the habits of bees, ants and wasps, could study the interesting relations between insects and flowers, could study the science of biology, if Sir John Lubbock, the busiest man in London—at that time the greatest and most important city, the most vigorous and modern city in the world—could do that, what could not others do if they wished?

Lord Chesterfield—and it is very rarely that I quote Chesterfield—said:

"It is astonishing that any one can squander away in absolute idleness one single moment of that small portion of time which is allotted to us in this world—know the true value of time; snatch, seize, and enjoy every moment of it."

Very good advice, and yet I say we do not want to run Marathon races all the time. We want some rest.

So much, then, for ourselves, as viewed with reference to this question as to the occupations of life. Now, as regards others. The adjustment sounds at first difficult. Is it possible for human beings with their wide range of interests, to adjust themselves to each other so that each one has some range within which he can find enjoyment and occupation? As a matter of fact, the adjustment is natural and easy and it has always taken place. Take the two most crowded regions of the world, those two teeming populations, China and India, where there are so many people crowded together that one might think we would find hell on earth and constant quarreling and battling. The contrary is true. In China and in India, there is far more peaceful relationship between men than in most countries. In those countries, where there are such enormous crowds of people, every man, woman and child has its place, and the place is a happy one. There is more happiness in proportion to the individuals, I firmly believe, in India and China than in most countries on the globe.

Our relation to others is an interesting question. "It is only in society," and here again it is Schopenhauer who speaks. "It is only in society that a man's powers can be called into full activity. Now, to be a useful member of society one must do two things. Firstly, what every one is expected to do everywhere; and, secondly, what one's own particular position in the world demands and requires." Goethe remarks: "Every man ought to begin with himself and make his own happiness

first, from which the happiness of the world would follow." There should be first of all thought for one's own self. Yes; and then, if it is genuine, if it is wise, if it is based on sense, there will be helpfulness for all in it. It is not necessary to go on a mission to do people good. No. You and I and everybody comes every day of their life, into contact with all kinds of people. If we do with reference to each person with whom we come into contact during the day, our part, kindly, wisely and sanely, there would be no problems of humanity left for solving. It is perfectly possible for you and me to make that the very fundamental basis of our life. It is possible for us to say we will not go out of our way to do some distant philanthropy. But if to every man, woman and child with whom we are brought into daily contact, we play our part aright, we do that much toward making the world as a whole better.

Now, it is time for me to sit down. But I am going to make an analysis in two chapters of a man for whom we have great respect and affection. The first chapter comes at this point. My second chapter will come at the close of my next argument.

I want to analyze Clarence Darrow; we may take him as a specific instance. There is nothing like having a case in point that we can bring up and deal with. I believe that Clarence Darrow is a man who gets a lot out of life; I believe there are very few men who get more. I know few men who have a better time in the world than he. Let me illustrate: He has pretty good health and strength. I have sometimes suspected, I am not sure, I have sometimes suspected that he has dyspepsia, but, on the whole, I think his health is good. It is a great thing to be thankful for and to rejoice in. Health, wealth and happiness were the three things I told the boys in that high school were suitable to seek. Wealth; I don't know anything about Mr. Darrow's bank book, but I heard him say not long ago he was thinking of retiring pretty soon from active life. When a man who has Clarence Darrow's business thinks about retiring from active life, you may be sure he has as much as he wants or is good for him. So far as happiness is concerned, his life is one long career of happiness. One of his greatest joys in life, of course, is grumbling; it is his long suit. People find joy in all sorts of strange things. And grumbling is a joy to him, of course; otherwise, he would get over it. Now, I would not be surprised if he was to use the word "dope" presently. There are people who have certain phrases that get to be a part of their make-up, just as grumbling is a part of his make-up. There are certain sounds that give them extreme joy. Well, when Mr. Darrow can say "dope", "dope", "dope", "dope", it is like sweet music to his ears. Do not think for an instant I would wish to take away from him that

pleasure. It does him no harm. It does us no harm. It might be misunderstood by those who do not know him, but to us it is merely one of those things in which he finds pleasure, and we are glad to have him use the word. As for companions. Have you ever been out with Mr. Darrow? Have you ever seen him go into any crowded place at meal time, when the men, the business men of Chicago, are eating? Everybody knows him. It is not only that everybody knows him, but everybody greets him with affectionate respect. Do you think that does not please him? Then you know we all find enjoyment in thinking of the heroes of the past. Thomas Carlyle's most taking book was the one on hero worship. The man who has a strain of hero worship is really a happy man. Though Mr. Darrow talks about all sorts of dreadful things most dolefully, he worships more human beings than any man I know—Thomas Paine, and Governor Altgeld and other great and good men; he talks about them; thinks of them, has them as companions when all others are away. Why he enjoys himself all the time! And, then, he is so fond of biology! Is it not a fine thing for a man to have some subject outside of his business that fills his soul with joy? I said one of the things desirable in a man and in life, is activity, activity, activity. He is very interesting in regard to that. In this matter of activity, he is **it.** But his friends know he is also one of the most lazy of men. The active man who is lazy is frequently the most happily active of active men, the world knows. He begins and ends with grumbling, and I shall now make room for him to present his poor side of this debate.

The Chairman: The members and officers probably know if it were not for Mr. Darrow——

Professor Starr: See here; you are not talking in this debate. I have a whole chapter of analysis still coming!

The Chairman: The Chair rules the Professor out of order. If it were not for Mr. Darrow we probably should not have a society to present this debate. We have been on the narrow edge once or twice, and especially recently, but we have to thank Mr. Darrow for coming to the rescue. I will now ask Mr. Darrow to reply to the speech to which you have just listened.

MR. DARROW'S FIRST SPEECH.

Mr. Darrow Said: Professor Starr has told us what we cannot consider in this question, and what we can consider. Taking what we cannot consider and what we must consider, of course, it leaves nothing excepting **his view of this** question. Now, I think I will prove to him, from biology—and he certainly would not be mean enough to dispute me on biology—that we have a right to consider the future, and

that we are bound to consider the past in giving an opinion as to whether life is worth while. It is not a question as to whether I enjoy life or not. I do the very best I can at it, anyhow, and as life goes, I think I do pretty well. But, I am willing to take the professor at his word and say that if I don't think life is worth while with what I get out of it, how is it possible that it could be worth while to anybody that cannot take dope? I will show you before I am done, I think, that a very large part of the professor's rules for living are dope, nothing else. Really, we all enjoy hearing him talk, and we are all very fond of him, but he didn't discuss this question. He really gave us some excellent receipts as to the way to live our lives. He told us what we should do and what we should not do in order to make life happy. Now, that is not even logical, because when he tells me what to do to make life happy he simply tells me what he does or tries to do, to make life happy, and it is not at all certain that I could get happiness that way; and it is still less certain that I could do it if I wished to. His rules for the way to live may be good. They may be worth practicing, so far as we can practice them. But man does not live by rules. If he did, he would not live. He lives by his emotions, his instincts, his feelings; he lives as he goes along. Man does not make rules of life and then live according to those rules; he lives and then he makes rules of life. And, it is really an idle thing for anybody to tell anybody else how to live. Nobody is influenced by other peoples opinions. Each must learn for himself and find out where he makes his mistakes, and, perhaps the things he thinks are mistakes are not mistakes after all. No one can figure this out. But, telling you the way to live is not discussing the question of whether life is worth while.

In spite of the rules, is life worth while? Let me take the simplest one he gives. Thus in spite of the professor being a very able man and a very scientific man, the rule is as old as the first dope fiend. He says "work." Be busy. That is the first rule of living—get busy. Everybody who ever wanted to get rich, especially out of somebody else, has taught this to the people. Benjamin Franklin was one of the main exponents of this idea. Work is the great thing in life. I am inclined to think this is true. Now, let us find the reason for it. The reason is perfectly evident. Why should we work? Why, the professor says, it gets our mind off ourselves. That is true, too. That is the reason for it. If a man works hard, especially at something he is interested in, it takes his mind from himself. That is the only philosophical reason for hard work. There are reasons in the way of getting money which are poor reasons. But, to work hard,

especially at what you are interested in, takes your mind from yourself. You may get up early in the morning at ten o'clock and try to enjoy yourself for two hours doing nothing. And, you think you have lived a whole lifetime, trying to enjoy yourself. But, if you have worked hard, the first time you may think of it, you think it has been fifteen minutes, when it has been a half a day. What does that mean? It means just this: That work is good because it brings non-existence, and that non-existence is the most tolerable of all the forms of matter in life. There is no other answer to hard work. And I know of almost no one who has studied the philosophy of life but does not finally come up with the proposition that the only thing that makes life tolerable, is hard work, so you don't know you are living. So, I characterize hard work as dope for life.

There is one thing in life which is perhaps equal to it, and that is sleep. And, I never saw anyone, weary with the labor of life, or weary with the thought of life, that did not come home to his couch with pleasure in the thought that he would be lost to life for a time, at least. Now, I will admit, that this question is not a very satisfactory one for discussion. Perhaps the question cannot be settled by the professor bringing out all the good things in life and on the other hand by my stringing out all the evil things in life. Somehow or other, this must be settled, if settled, upon a much broader basis than that; upon some question of science or some question of philosophy. And, perhaps, it is not capable of being settled. Of couse I will say, with Professor Starr, as I said with Professor Foster, I would like to discuss this with a man who believed in it. I would like to discuss the question of whether life is worth living with one who believed that life was of value. I would like to discuss optimism and pessimism with an optimist. And, in the end, I presume this question gets down to optimism and pessimism. And the professor is too wise to be an optimist and too wise to be deluded with the beauty and pleasure of living, and too honest to say that he is.

But, let me make a few observations that it seems to me puts this question on somewhat broader lines. First, Professor Starr has said that whether there is a future life or not, has nothing to do with the question of whether this life is worth living; whether we came from anywhere has nothing to do with it, or whether we are going anywhere has nothing to do with it. All life and all experience contradicts him. If man was not cursed with consciousness he would be right. If man was not cursed with memory he could forget the past. And, if he was not cursed with imagination, he would think nothing about the future. But there is no fairly intelligent

man or woman who is not bound to think every day in his life of the question of whether life ends all and when that end will come. And with the great mass of men who live upon the earth, the question of the end of life affects their present feeling more than anything else affects it. If anybody says it does not affect it, he is simply bluffing. You may take one of the most eminent scientists of the world, Sir Oliver Lodge, and yet because he has the feeling that I have and the feeling that goes with living, that the fate of annihilation is abhorent to the human mind—because of that, he almost consciously deludes himself with the silliest twaddle that has ever moved the minds of men. Do you suppose Sir Oliver Lodge would be a spiritualist if the fear of death or the hope of immortality did not make him one? Why, there is not a single fact that he reports that could stand for a minute in the light of the scientific analysis that he gives to every question of physical science, and he must know it.

What does the great mass of the human race think about this question as to whether life is worth living, and whether this is in any way affected by the question of the destiny of Man? Why, since man began to dream dreams and see visions; since he evolved consciousness; since he looked around and asked the meaning of life and of death, he has sought by every means to prove that death is not death. He has braced up his love of life by making for himself a dream that there was something more to life than is shown by science or philosophy, or the facts that are apparent to everyone who thinks. And, take that feeling from the human mind today, and take it suddenly, and it would be paralyzed, and men would not live their lives. There are a few who might live it out. But, to say that the question of the destiny of man does not affect his present happiness is to say that man has neither memory, nor imagination, nor consciousness, nor thought.

Men suffer from evils that never come, and they experience joys that never come. A very large part of our conscious life is dreaming. We believe in happiness that will come tomorrow, and in misery that passed yesterday. We are terrified sometimes by disasters that will come tomorrow, more than we are by those that we lived through yesterday. Man's brain is such that his mind will reach into the future and into the past and all about him, and the future and the past, whether it exists or not, does exist for the present, and is the largest part of the things which affect the happiness or the misery of the man. It is idle to say man must not take into account the question of his origin or the question of his destiny, when he considers whether life is worth living. Is it?

Now, I didn't know that I grumbled so much. I don't know why I should. I have got about through with the blooming game. I am about ready to retire. That does not mean I have money, but I study the actuary tables; I know I am about ready to retire. When I retire—well, while I will not be happy, I will not be miserable, and, as life goes, I believe I have as little cause for complaint as almost any person I know. And, I trust that I complain very little. At least I don't mean to. I have lived a life which is, approximately, as good as nothing. Not quite, but somewhere near it. And I will not be very much better off when I am dead; but some what.

Does Professor Starr prove that life is worth living, because man is here? If so, that is a simple question. By what process can you prove that everything that is here is worth while? Or, what do we mean by worth while? Of course you can ask a lot of questions in discussing this. Of course, if life is worth living to man because man is here, it is likewise worth living to every animal because it is here. It is worth living to the dog and the mouse and the cat that eats it. Of course, you might say that the life of the mouse is worth living to the cat that eats it. It is worth living to the ant and the grasshopper, and to those tiny insects who live only a fraction of an hour. And, in the sight of eternity, the longest human life is just as short. Even if the emotions, in the fraction of a hour, were all pleasant ones, it was not worth while to begin it when it was to end so quickly. The fact that life is here, to my mind, proves nothing, excepting that if you got a certain amount of earth and heat and water—if they were resolved into the simple elements—given these elements in certain proportions under certain conditions, life will develop, just as maggots will in a cheese. Does that prove it is worth while? I cannot see it. It does not prove it in any meaning of the words worth while. If it does prove it, then everything is equally worth while, and the living man is no more a part of nature than the corpse. And the well man is no more a part of nature than the sick man. The pleasurable emotion is no more a part of nature than the painful emotion. The fact that it is here simply proves it is here, that is all. The only way that this question can be discussed, it seems to me is as an intellectual or philosophical question: Are the pleasurable emotions of life more than the painful ones? Is there a greater balance of pleasure than pain? And this cannot be discussed without taking into consideration every feeling and imagination that influences man, and influences the feelings of man. You cannot settle it by saying life is a question of health, wealth, happiness and wisdom. The second time he said wealth, health and happi-

ness, he cut out the wisdom. Happiness surely is not a question of wisdom. It is a question of happiness, and happiness is a very complex thing. If life is a question of happiness, then it gets back to you, looking it over, with what has past and what is still to come, has it more pleasure or more unhappiness? I believe almost every person who lives gets his pleasure in anticipation. All of the adages and teachings of life are built upon that idea. The young person should store up wisdom so that he may use it in old age—when he does not need it. He needs teeth more than he does wisdom. By the way, Professor, my digestion is bully. I can eat anything that tastes good and nothing that does not. A person should hoard up money so that he can spend it, and have a good time with it in the future—when he will most likely be dead. We should work today, so that we can have a vacation tomorrow. Better take it today, for tomorrow you may be dead and you will get out of working. I ought not to be personal, as the professor was, but I ought to be a very wise man for I have listened to him for two winters with the greatest of profit. I remember once last winter—you will excuse me, Professor, for quoting you here? He gave us a wondrous picture of Japan; its beauties, and its glories, and the emotions that he felt in visiting Japan. And, he told us he was going again the following summer, which was last summer. And, there was a very joyful expression on his face in the anticipation of all the fun he would have in Japan. When he got back this fall, he told us that he had been much disappointed when he went to Japan; things didn't turn out the way he thought they were going to. And when I heard him say that he had been disappointed the last time he went to Japan, I was quite sure, that when he remembered his trip to Japan, he had a better time remembering it than when he took it. And, I fancy that, if it is not good biology, it is good psychology. If I could ever have as good a time when I went on a vacation as I anticipated before I went, I would hope to die while I was gone.

So, the past does get into it, and the future gets into it. And, if you work hard there is no present. Let us see what the experience of man says—and really I don't pretend there is any way to absolutely settle this question—but let us see what all human experience says about it.

Everybody, after they begin to think a little, and before they can think much, makes a heaven for themselves. There, the streets will be paved with gold. Christian heaven. Of course, I could picture something that looked better to me. In heaven, there will be no weeping or wailing or gnashing of teeth. They will not even have teeth. The streets will be paved with gold. That makes it alluring to a Christian banker.

You can play on a harp forever. Your friends will not die. I don't know about your enemies, but your friends will not die. There will be no marrying or giving in marriage; nothing but one long dream of joy! You won't even have to work to forget yourself—you will not want to forget yourself; you will want to walk on the gold pavement. And, the poor old grandmother sits by the fireside mumbling, dreaming, happy, because she is going to heaven. And, the human race forgets its miseries and its sorrows because it is going to heaven. And man is happy in spite of himself because it is living on this pipe dream—I was going to say dope.

Now, isn't that just exactly what man does? From the Methodists up to Sir Oliver Lodge? All of them? From the highest to the lowest, they consciously use every effort in their power to delude themselves with this myth of happiness; this will o the wisp is right in front of them. And, I suppose when they close their eyes for the last time they see before them this illusion of the golden gates, and all the rest of the business opening before them.

Now, my friend quoted Epictetus, the stoic. Well, he was somewhat like my friend, quite a bluffer. He said "What is the difference whether I am loaded with chains, my mind is free?" Well, that is a sort of self-hypnotism, if it is true. "What is the difference whether I am hungry or cold; my mind is free? You can do nothing to my mind, anyhow." Well, I wish they could do something to mine. That is the trouble with people. Before a piece of clay awoke to consciousness, it was getting along all right, but when it awoke, then came the trouble. Now, is there any philosophy in Epictetus? Why, it is a great, big bluff. I think one ought not to complain of his troubles. Nobody is interested in them. I would rather hear other people's troubles than to talk about mine. Then I can forget mine. One of the prime receipts for being happy, which I will suggest to the professor, is hard work. I used to be taught that when I was a boy and wanted the moon—I haven't wanted it very lately—I don't know what in the dickens I would do with it if I had it and then I know I can't get it—one way not to worry about what you cannot get is not to want it; one of the prime ways. They used to tell us when we felt bad, to think how much worse somebody else was. You have heard that, haven't you? That proves that life is worth living, doesn't it? If I go out on the street, and get run over, taken to the hospital and lose a leg, I can be happy by thinking of some poor fellow in France that lost both of his! If I get one eye knocked out, I can get joy thinking of the blind! Now, that is a receipt for happiness. And, it is a good receipt; it is given out by everybody. Well, you are not happy today.

All right. Think how much better off you are than some people. That proves that life is worth living. That is it proves that it is not quite so bad as it might be.

Of course, emotionally, one may stick around, because while we live, we want to live. But, I think I am going to be happier next year than I was last year. Of course I know I will not be, but I think I shall. I think next week will be a good week. Last week was not so good. Next week will be fine. And next summer vacation will be good. Of course, as I said here before, I might run into some mosquitoes, or some people, but I am not thinking about them now, because it is next year. That is what I ran into last year. Pretty much all of it is in the imagination. And I don't condemn the dope fiend. I think he is—I was going to say wise, but I will do better than that by him—I think he is foolish, and, blessed be foolishness!

When you leave the cruder religions of the world, and men begin to get up where they cannot believe quite all that has been said, then they turn to Epictetus, and he was one of these self-deluding mortals who could sit on a pin and say, "Why, my mind is free.' Of course, that is not even scientific. For a man's mind, whatever it is, depends upon his brain whatever it is, and that is a part of his body, whatever it is. So that he is not free; it depends entirely upon his body. It is just a bit of bluffing. Epictetus and a few other stoics bluffed their way through the world until their philosophy played out and now it has been taken up by the Christian Scientists, who say: Oh, no, there is no such thing as corns, they are in the head, not on the toes." "There is no such thing as death. The friend you loved that made up a large part of the pleasures of life, is not dead. He has just passed on." Just passed on! Things are not what they seem to be. God is love and love is God. There is no sin; there is no pain—only a condition of mind. Well, with the most of them there is no mind; so there is nothing!

Does all of that prove that life is worth living? It proves that it is not worth living. I will tell you why it proves it. It proves that there is nobody on earth who can stand the realities of life. That is what it proves. It proves that when the consciousness of life comes to one who is intelligent, that he straightway uses every effort in his power to prove that life is not life; pain is not pain and death is not death; that he takes every dope that is given him by someone else to make him dream, and if he cannot find anything given him by someone else that will put him to sleep, he makes one for himself that puts him to sleep. And, if perchance, he is too intelligent, even to manufacture a dope that will put him to sleep, and if he cannot find one that will put him to sleep,

then he resorts to hard work, so he cannot think of himself. Looking life over I have nothing to complain of—I am a real optimist; it might have been worse. There is optimism for you. It might have been worse. And, in spite of the pleasures that I have experienced in studying biology and listening to lectures on anthropology, and in spite of the companionship of my friends, and in spite of good food and vacations, in spite of all these—and I have had my full share of them—and a good digestion with it—and before I finish that sentence I want to call attention to one thing my friend suggested, then I will go back where I left off. He said digestion is good. Eating tastes good, but if you eat too much it hurts you. Well now, why should it? You like to eat, but if you eat too much it makes you miserable. What a glorious thought that is, isn't it?

Well, in spite of all my pleasures, and all of my friends—I am glad I have so many; if they knew me better, I would have more—in spite of all of these, when I look back over life, with the many pains I have suffered that happened, and the many more I have suffered that did not happen, the greatest satisfaction that I find in any of it is when I am asleep. And, intellectually, I feel it will be the best thing that can happen to me—to go to sleep again. Still emotionally and physically, I draw back from it, just like everyone else who ever lived. All this enters into my personal feeling of whether life is worth while. But as an intellectual question, I insist that practically everything that my friend has said and practically everything that everyone says in favor of optimism and the worth-whileness of life—pretty near all of it—proves that life is not worth while; that it is an unpleasant interruption of nothing, and the best thing you can say of it is that it does not last long.

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The Chairman: Professor Starr will continue the debate.

PROF. STARR'S SECOND SPEECH.

Professor Starr said: Now, with the very best intentions in the world, I tried to find some argument in what was said that called for answer. I am quite serious in saying this. I wanted to find something that called for answer. There were suggestions made which called forth loud applause. Yet each time you made applause after such suggestions, I felt certain that when you thought it over you would see the fallacy yourselves. The only new thought that seems to me to call for discussion is the question of death. And, inasmuch as that

what I had in mind before, and not vary it nor change it, because of the argument presented.

I was really surprised at the readiness with which he accepted a good deal that I said. I didn't expect it. I confess that much of his speech—the more serious part of his speech—was a very strange address for a Rationalist. Still, we will let that pass.

Hard work he mentioned; yes, hard work. And you realize, that hard work is the joy of life. You know it is. He cannot get around it by foolish statements such as he made regarding hard work being dope. You knew he would have to talk about dope anyway. He says he did not realize that he was a grumbler. Of course he did not. When he first spoke about my referring to him as a grumbler, the thought came into my mind to say it is second nature to him, but that would be an error; it is first nature. So, of course, he is unconscious of the fact that he is a grumbler! In my remaining argument I have two or three points I wish to emphasize. It seems to me that nothing in what Mr. Darrow has said in the way of reply to what I had presented, really calls for answer. But there are some things that I would add to what I said.

First, it is very common, of course, for people to realize that they may have made mistakes or that they may have got themselves into hard positions. They may have lost opportunities which, when once passed, looked promising. It is not worth while to waste your life in mourning over the opportunities you missed. It is not worth while laying too much stress upon the mistakes that you have made. No. Those things are past. Learn from them. Avoid similar mistakes, if possible, in the future, but do not waste time. eternally harping on mistakes that you have made. Profit by your mistakes and let them go. It it is something that you can rectify, rectify the error that you made; otherwise, let it go, and be a better and wiser man for the fact of the error or the mistake.

Mr. Darrow referred to the other point I had in mind, the fact that we worry a great deal about the things that lie ahead. He did not put it exactly in that way, but he suggested that we hope a good deal for the future, and we look forward with dread a good deal to the future. I think few people ever really have been so miserable that they could not stand their miseries if they were sure they had reached the end. The uncertainty, the doubt, the fear, the dread lest things may not be so good in the future, or that the worst may come, is corroding, and destroying, yes. Constant anxiety in regard to the future, destroys the happiness of life for many a person. I have often thought if only we could be sure regarding the present moment that it is the very bottom, we should laugh really with joy, no matter how great the burden; no matter

what the pain may be, if we were absolutely certain that it was the worst. Why, we could stand that; and we could think as we have stood that, the worst is past. Do not be over anxious. Grapple with troubles when they come; meet difficulties as they arise; use your best efforts to be happy and do not give way to constant dread and fear of things that may never come, or worse conditions that probably will not come.

It seems to me that old age is far from dreadful. There are many people who think of old age as being simply a painful and sad condition. A great deal depends upon how one has used their younger years. One may look back over a life well spent with pleasure. And one of the greatest happinesses of life certainly is in thinking over the joys that one has gone through or things that one has undertaken and succeeded in; the good that one has done. A well spent life makes a happy age. It is not a good reason why one should do well today in order that he may come to look back upon it tomorrow; but it certainly is one of the joys of life, when one may look back upon well-spent years.

The matter of death is one that we all face; one that we all know will happen. There were fallacies of course in that description of the vacation which we will take today, because we might die tomorrow; the fallacy there is quite easy to see; but let that pass.. I think Mr. Darrow and a great many people overestimate the horror of death. I cannot see why we make such sweeping statements in regard to the universal fear of death. It is not true that mankind at large has an all-consuming fear and terror in regard to death. It is entwined in the surroundings under which we have been brought up; to us death has been rendered horrible, and has assumed frightful forms. We as a people are brought up from early childhood to look on death as the great disaster, the one awful thing. However, there are whole populations where death has relatively little terror; where one may say the horror of death, such as we hold it, is almost unknown. I object on the part of hundreds of millions of people, against assigning to them. and asserting of them, that same foolish and criminal fear of death which we, ourselves, harbor and hold.

I am thankful to say, even among ourselves, there are persons not afraid to die. It is true that our religious training—it is true that the books we read—it is true that the papers that we read—it is true that the songs we sing, all speak in this way of death. But, it is an unnatural way of speaking. It is not the human attitude toward death. On the part of the rest of humanity, I object to such an assertion and assumption. Even among ourselves, it is not true that all are afraid of death. There are men who have lived so well, and who have so well occupied themselves with sound and sane

action through life, that they meet death without fear, and without a shudder. Mr. Darrow is very fond of speaking of those persons as bluffers. It is not bluffing. Goethe died without apparent suffering, having just prepared himself to write and expressed his delight at the return of spring. It was no bluff on the part of Plato who died when in the act of writing. It was no bluff when Lucan died reciting a part of his book on the War of Pharsalus nor when Blake died singing. No. Of these people, some were Pagans; but, Goethe lived in Christendom. There are people who die in Christendom without belief and without fear, without a shrinking back before the end.

When I was in Japan the last time—and by the way I want to say Mr. Darrow misunderstood my attitude towards my last visit to Japan. It is true that I complained bitterly of the high cost of living; it is true when I found myself in Japan, I was unable to do one-half the things I had planned simply because the high cost of living was such that I had to draw in my expanding tentacles and sit tight there in Tokio. But, I never said I was disappointed in my visit. It was a trip of joy; happy during the time, happy in the anticipation, happy in the retrospect. He received a wrong impression there. However, that is a personality you will forgive. I want to tell you a little incident that came to my knowledge in my last visit to Japan. I want to describe a death that took place beween my two last visits. My little interpreter decided that he would like to learn archery. It is an art which the Japanese have carried to a fine development. Even today there are to be found some fine representatives of old Japan who know and teach archery. The boy, during my absence, found such an old teacher. There were about thirty-five who used to take their lessons from the old man. Archery in Japan is very exacting, rigid and precise; every detail is regulated; it is a fine art. The boy made advancement. During the year the old man died. Before he died, knowing the end was nearing, he sent word to each one of his pupils to come, and thirty-four gathered at his bed. The old man greeted them; the bows and arrows were brought out and laid beside him; he gave them a few last directions, and then he said: "Friends, students: I have done what I could for you; try, try, try to become perfect." And with those words he died. Just like that. As soon as the words were uttered, his eyes closed, and the old man was gone. There was no bluffing there. There was no fear there. That man hadn't been looking forward toward the end of life with terror. He looked upon death as a perfectly natural end, like waking out of a sleep, like going to sleep. He didn't look upon it as a frightful thing that he should dread to have the end

approaching. No, it is among ourselves and those brought up in the same way, that death has been given its horrors.

I said we knew nothing about the past from which the individual comes, and nothing of the future into which he goes. I meant just that, and it was said in order to cut this out from the argument. But, there is a past to which we are related; there is a past that means much to every man that lives well. Of course, there is. Out from that past has come the stimulus, the helpfulness, the high thought, the inspiration that makes the bulk of our joys of life. In that sense, we all of us live in the past. We all draw from the past. The past means everything to us. And so again, when we die, that is not the end, no. Everybody who has come into contact with us has felt our impress. Hundreds of people remember, after we are gone, the good we did them, the influence we exerted on them. What we do lives after us. Whether there is a future existence, individually, for us, we do not know. I am in no haste to die, but I do not fear death. I hope to live for some time yet; I hope to teach and help many a man, woman and child to better life, to greater happiness. I hope, too, that they will be better and that something of my life will continue in them when my life here comes to an end. I believe that and hope it, thoroughly and completely.

In other words, there is a future, and if we live our lives right, the future is the better for our having lived and been here.

Lastly, you remember I had a chapter left over. It was a chapter of Clarence Darrow and our analysis of him. You remember we were talking first of the individual in himself, and secondly of his relation to others. In the first chapter of my analysis, I said Clarence Darrow was a pessimist, a cheerful pessimist. We spoke of his personal life: How now, of Clarence Darrow in society, toward others? Has Clarence Darrow helped people in his daily life here, now. You know he has. And, in that helpfulness, he has found joy! This Society, as Mr. Lewis told you—he had no right to tell you, yet you heard him call me to order for saying so—Mr. Lewis should have kept still when the debate was under weigh. Mr. Darrow has served this society. Yes. Do you think he deserves too much thanks? No, he got as much joy and pleasure out of his service as you did.

Mr. Darrow: Probably more.

Professor Starr: In serving you and helping this society, in having an interest here, he gains true joy. You know about his clients. You know that when others will refuse a case because there is no money, or because it is desperate, he will take it. You know what his life is. You know how it is lived with reference to others. You know how many poor men he

has helped out of serious perplexities. And, do you think that when he dies, he ends? No, no. The gentle memory remains when he has gone. Ends? Why, it is enough to read **Farmington,** to know better. **Farmington** will live after he has gone. An abiding influence. Is that worth while? It is worth while to have lived one's life so that one has joy through the days and weeks and years? Joy of anticipation? Joy in hard work? Joy in the retrospect? Helpfulness while he lives; blessing in death; excerting an influence beyond. Life such as that is well worth living!

The Chairman: You will hear from Mr. Darrow.

MR. DARROW'S SECOND SPEECH.

Mr. Darrow said: Well, my friend's very kind words make it hard for me to debate. Of course, I cannot discuss that question with him because he is right. He and I ought not to debate. Of course, I do appreciate the feelings of my friend.

I want to say a few words seriously. Perhaps I was not serious before. Life to me is a joke. That is the way I get by. It is an awful joke. A joke on me partly. But, seriously, I am not certain if Professor Starr is right on what he says about death—he certainly should know more about that subject than I do—whether there are hundreds of millions of people in the world who do not view death the way we Christians look at it. I confess that I don't know. And it is a topic that I would like to hear discussed by him fully because to Christians, like we people, it is an important question. And, if there are people in the world, and people who live close to nature, who, on account of their more natural life, or more natural views of life, have a different attitude, we ought to know it. I, for one, would be glad to know it. I have read more or less about this subject. Not so much as Professor Starr has, and of course, he has traveled amongst the primitive people a great deal. I supposed that they had the same feeling toward death that we civilized people have; but perhaps not. Really, don't the primitive people have it, Professor Starr? I am asking seriously.

Professor Starr: Nothing to the degree we have. You used the word I refrained from using, the population that fears death.

Mr. Darrow: I didn't use the word fear with that attitude toward it.

Professor Starr: Fear, the higher idea.

Mr. Darrow: I fancy that they must. Even the primitive religions are based on immortality and I fancy that while the feeling may not be as strong with them as it is with us, it

must be very substantial. It certainly enters into everything with what we call civilized people. It is not quite the right thing to say, fearing death. Personally, I have the same concern about it that everybody else has. I cannot imagine an intelligent person who has not. You know that any minute your best friend may be taken. You know that every day, those you love drop out by the wayside without warning. To know that the most important plans may come to nothing in a moment. There is nothing in life that compares in seriousness with it. Whether a man could so live that he would not care about it, that is a most important question. Whether he can take life as life is, and give up the thought of a future life and think very little of death. I don't know how he can do it while in full health and the possession of his faculties.

Now let us look a little closer into that question. I am quite aware that I do not fear death. I don't expect to go to hell. I expect after death I am going to be—I was going to say happy—but I expect not to be unhappy. I expect to even be better off than as if I was working. I expect to be asleep, and not even dreaming. But, that in no way takes away my will to live, which is present while I live, and it in no way takes away my imagination which shows me how brief everything is, and how the deepest loves in life bring the deepest pain; and makes me hesitate many times to bring my friends real close to me—because I know what the shock will be when we part. It seems to me that goes with living. I would be glad sometime to hear Professor Starr tell us more about it. The very fact that we never discuss it—of course, I discuss it more or less. I do that just to get used to it. I fancy that the man in Christian society who thinks less of death than anybody else, is the sexton, because he is dealing with it all the time. And, if I get to talking about it all the time I sort of get used to it. That is a way I have. It may be good or bad, but I fancy that there is no avoiding the shock that comes with the thought of it to intelligent people, who do not take refuge in the idea of immortality, or future life.

I can see nothing in the thought that one who lives a good life is better content to lay it down than one who does not live a good life. I think the biggest sinners die the easiest, because they generally see heaven in front of them. The witch-burners, the fellows who build fires to make people religious. The prohibitionists. And that kind of people. Of course, I am happy when they die. They die happy in the anticipation of what is coming to them. Of course if they knew what was coming to them they might not feel so good. I don't think goodness has anything whatever to do with whether a man is willing to die or not, or with how long

he lives. He couldn't live long by being good. It is proverbial that the good die young. I believe this myself, in spite of the fact that I am getting along some. One lives in accordance to the way they are adjusted to their environment. And if they have a crooked environment, they have to learn to grow crooked, or they will be up against something. Life has nothing to do with that. And I fancy death has not to do with it. I still think these people who say they are glad to die and are not looking for something, are really bluffing; they are Stoics, or Spartans; they steel themselves to it. Take an example. Suppose very suddenly there is a cry of fire here in this room. It would terrify all of you. How many times has it happened? Why, it has happened in theatres over and over again; happened in this town. What extraordinary measures people take to save their lives! Even the devout Christian, when he is dangerously sick, sends for a doctor instead of a preacher. People will consent to be carved up; have anything happen to them, even give up their money, rather than die! And, of course, this does enter directly and most directly into the feelings all of us have on the subject of whether life is worth living.

And, let me make another suggestion right here. Suppose the Professor is right. Suppose there are no feelings of reluctance at the thought of death; supposing humanity reached that point, in some way, that it was perfectly willing to die. What does that prove? I fancy that proves that life is not worth living! It would seem so to me. When I was a boy I never wanted to quit playing baseball or eating pie; I never wanted to come in at night when I was out playing with the boys; I never wanted to get up in the morning when I was sleeping, especially if I had to work. I was living a physical existence, and all right for the time. If men were happy; if life was happy; if it was worth while, it would be impossible to welcome death! And that, to my mind, is the great fact that settles this whole subject. I don't care about settling it. I am conscious that on many things Professor Starr and I think alike. I am proud to say it. But I find it hard to debate with him. I would prefer that this audience could see from such facts as Professor Starr has given us, some consolations for life, and some belief that on the whole it is worth while. But, the great fact in it is this, that the intense joy of life makes death a nightmare; it is the skeleton at every feast, and it is the only sure thing which says: No, there is no such thing as joy. Take that away; get a state of mind in the world where men are willing to die, and it can only mean one thing, that they are, at least, indifferent to life, and therefore, it is not worth while. I think we take life too seriously. Perhaps it would be better that we did not. We

all take ourselves too seriously. Life is at least not much worth while. We make too much of it. Perhaps we would be happier if we made less. I want to read you just in closing a short statement that I found from Sir Arthur J. Balfour, the English statesman, which seems to me to put this question of life, and of man, and of his existence on earth, better and simpler and more concisely than I have ever seen it before. It is from his well-known work, "Foundations of Belief."

"Man, so far as natural science by itself is able to teach us, is no longer the final cause of the universe, the Heaven-descended heir of all the ages. His very existence is an accident, his story a brief and transitory episode in the life of one of the meanest of the planets. Of the combination of causes which first converted a dead organic compound into the living progenitors of humanity, science indeed as yet knows nothing. It is enough that from such beginnings famine, disease, and mutual slaughter, fit nurses of the future lords of creation, have gradually evolved, after infinite travail, a race with conscience enough to feel that it is vile, and intelligence enough to know that it is insignificant. We survey the past, and see that its history is of blood and tears, of helpless blundering, of wild revolt, of stupid acquiescence, of empty aspirations. We sound the future, and learn that after a period, long compared with the individual life, but short indeed compared with the divisions of time open to our investigation, the energies of our system will decay, the glory of the sun will be dimmed, and the earth, tideless and inert, will no longer tolerate the race which for a moment disturbed its solitude. Man will go down into the pit, and all his thoughts will perish. The uneasy consciousness, which in this obscure corner has for a long space broken the contented silence of the universe, will be at rest. Matter will know itself no longer. "Imperishable monuments" and "immortal deeds," death itself, and love stronger than death, will be as though they had never been. Nor will anything that is be better or be worse for all that the labour, genius, devotion, and suffering of men have striven through countless generations to effect."

It seems to me that is life; that is man. Is it worth while? I want to make just one confession on this question. I know the Professor will agree with me on this. I take dope. I have tried pretty nearly every dope on earth. Somehow it doesn't catch. I am no different in what I try to do than the silly fellow who says: Love is God and God is love. If I could believe God is love and love is God, I would do it. I cannot. To me life is of little value. I don't mean to me individually, but as I see life. This great senseless, wasteful, cruel spawning of life upon the earth! I see not only its pain, but its

pleasures, and its joys annoy me more than its sorrows, for I don't want to loose them. I love my friends; I love people; I love life; but its everlasting uncertainty; its infinite miseries; its manifest futility; its unavoidable troubles and its tragic end appalls me. That is the truth about it. And, I am glad to take refuge in the one consolation, which I think is philosophy, but which may be dope, that life does not amount to much, and I should worry!

PROF. STARR'S LAST SPEECH.

Professor Starr said: I hope that you listened carefully to the quotation from Mr. Balfour. I will only say if you did, and it sank deeply, you will realize more than ever, first, that we are not responsible for being here; second, that we should therefore get all that we can while we are here, because whatever is true of the future, we are here. Make the most of it!

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Are We Machines?

Is Life Mechanical or Is It "Something Else"?

A Debate Between

Clarence Darrow and Will Durant

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FOREWORD

Alfred A. Asgis (Temporary Chairman): Ladies and Gentlemen. It gives me great pleasure to welcome you. It is indeed unique that in this age of money, movies, murder, and—mellowed moistures—that we should find so large an audience gathering to listen to what we are sure will be a philosophical debate on that much-talked-of subject, Man. As further evidence of an overwhelming interest in this topic, I am informed there are about 2000 persons outside who cannot gain admission to this hall.

I shall fulfill my function as temporary chairman and introduce the permanent chairman, a man who has won, by his experiments at Johns Hopkins, recognition for his new approach in the field of psychology, a man whom many consider as America's foremost scientist in psychological research. It may be said that, with the exception of Sigmund Freud in psychoanalysis, his approach has caused more intense discussion in the field of psychology, because of its revolutionary conclusions. I take great pleasure in introducing the permanent chairman of the evening, Dr. John B. Watson. (Applause).

ARE WE MACHINES?

INTRODUCTION

John B. Watson (Chairman): Ladies and Gentlemen. It is a little hard for me to see why a mere mortal should be put in as chairman, considering the interest in this subject and the brilliant men who are to speak to you this evening. I suppose I was chosen because I am a behaviorist (and, therefore, an objectionist), so that I would be an impartial chairman. Those of you who understand behaviorism will know how impartial a chairman I shall be. (Laughter.)

May I say, in passing, that I think this debate will unquestionably go down in history as one of the great debates of all time. The subject, "Is Man a Machine?" is more than a mere topic for discussion. It is a matter of vital interest to all of us; it is a matter which concerns our daily conduct.

You know, the behaviorist has a theory that language is merely a substitute for objects and for actions. Consequently, words spoken by others, and words that we speak ourselves, are just as potent in guiding our conduct as stick

and stone. Hence, these verbal concepts that we will get this evening will unquestionably change us. They are going to give us stimuli inside our environment, even though it be an internal environment in terms of words that you speak to yourself, which will unquestionably affect your actions.

After all, these verbal formulations, "Is Man a Machine?" ; "Man is a mere machine"; "Man is more than clay"; "He has a spark of the divine within him"—all of these verbal formulations, and many like them, are, unfortunately, gotten in childhood and never further scrutinized. So that the debate has practical significance in our daily life.

Again, this debate has a marvelous setting in the history of philosophy and in the history of psychology. Psychology has taken a rather peculiar position with respect to this question. It has been too bitter a controversy for psychologists to take the affirmative out and out, and when I speak of psychology now I mean since the early history of modern psychology beginning with Wundt and others. So you will find Wundt really straddling the question in his laboratory with a so-called psycho-physical parallelism. We have the machine, the body, and the central nervous system, and we have

also something that we wouldn't call mind or spirit, but something that he called consciousness. Now, these two things are unrelated, but they parallel one another so that when the body moves you have some kind of movement in consciousness.

Now, tonight one affects the other. You can see what an unsatisfactory hypothesis that is. You can see that it is a hypothesis which came from the history of philosophy which, after all, is a history of religion, and it was to satisfy those religious principles within some of us which made us adopt the idea of consciousness in place of the soul and to adopt psychophysical parallelism in place of mechanism.

I do feel that the speakers tonight should take this question rather logically, should give us some hard facts, should give us some kind of definitions. I have been struggling for a long time so far as I am concerned to find out what a man is, and yet, we glibly say, "Is Man a Machine?" I am sure our speakers will tell us a little bit about man. Is he just a group of ordinary chemicals put together in some kind of a happy but fortuitous way—put or got together in such a way that he could grow and reproduce his kind, could eat food and eliminate waste product? Or is man

something more than this happy conglomeration of chemicals worth, I believe, 98 cents, and if so, just what is it that comes in somewhere in this evolutionary scale? Is it some kind of spirit from the outside? Does somebody come in and breathe something upon this clay in order to make a man of it? Then again, the question of the machine is a very vital one. Ordinarily we define a machine as something that man made and that definition usually is thought to settle the question. Therefore, man is not a machine. I am sure you are too logically sophisticated ever to accept any such definition as that, but the speaker who affirms that we are machines will have to tell us just how complicated a machine can be.

Can we think logically of a machine which can observe that it has moved one of its members up or down or to the right or the left, a machine which can speak, a machine which can react the same to different stimuli at times, a machine which can act differently to the same stimuli at times? In other words, how complicated a machine can we conceive of as being in existence? The most complicated machine we know of today probably is the linotype machine or some of the radio

devices, but they are far, far off, of course, from reaching that complication that we find even in an amoeba.

Now, the question comes up, it seems to me, what are the logical implications of these two positions? If man is a machine, can we punish him? Can he be naughty? Can he be nice? Have we any right to force him into any kind of conduct either good or bad? If so, what justification have we then for any kind of a punishment theory whatsoever?

Well, I must leave the question at this point. I am sure I leave it in better hands. We must be on the lookout, though, for this. We must judge on the basis of logic. Both these gentlemen are eloquent. Both of these gentlemen know how to arouse the last spark of emotion within us, and when they arouse those emotions within us we lose our ability to judge. We want to keep our common sense because we feel that we are able to judge facts and, at any rate, to scrutinize their logical positions. It is my great pleasure to introduce the speaker who takes the negative on this side first, a gentleman who needs no introduction to this audience, who has written one of the most popular books, is one of America's most popular lecturers, Dr. Will Durant. (Applause.)

NEGATIVE PRESENTATION ADDRESS

Dr. Will Durant

Dr. Will Durant: Mr. Chairman, Mr. Darrow, Ladies and Gentlemen, I am glad that we are met in this historic hall, dedicated by Tschaikowsky a generation ago, and ennobled since by a hundred geniuses—I am glad that we are met here to consider the most far-reaching question in philosophy. That you are here is a sign that philosophy has undergone a resurrection, that it has escaped from the dead hand of scholasticism, and has made its re-entry into the living world.

Our question, like most debatable questions, is ambiguous. I take it for granted first that our question does not concern materialism, that we are discussing this evening not the constituents of the universe, but the methods and processes of the world. Further, I shall interpret the term machine, or (as the theory of living machines is called in philosophy) the theory of mechanism, as meaning that man and all living things are mechanical in the sense that their behavior can be entirely explained in mechanical terms, on the principles

that seem to hold good in industry, in physics, and in chemistry. That is the sense in which the word "mechanism" is used in philosophy, and it is to that aspect of the question that I shall confine myself in this first period.

But it is possible that our beloved machine here may choose to adopt the other slant of this question, the theory of determinism, that man in all his actions and all his thoughts is irrevocably determined and compelled by conditions over which he has no control, and to which he contributes nothing. If Mr. Darrow chooses to exhume that almost extinct debate from the cemetery of dead problems, I shall be glad in the second round to follow him there and explain to him why I believe not only that he is something far subtler and livelier than a machine, but there is in him a spark of spontaneity and initiative which has contributed a considerable share to his adventurous and generous life.

It was the Industrial Revolution that filled the world with the strange notion that man is a machine. For first of all it accustomed the mind to dealing with machines and induced it more and more to think of causes not as biological, but as mechanical. The worker within factory wall, seeing the busy activity slip about

him on pulleys and revolve on wheels, forgot that older existence in which life had seemed to be a matter of seeds spontaneously sprouting from the soil, responding eagerly to every encouragement, and multiplying with an astounding and bountiful fertility. The world, which had once been a picture of growing plants and wilful children, of loving mothers and ambitious men, became for the modern mind a vast array of mechanisms, from the planets that circled mechanically around the sun to the crowds that flocked mechanically to be in at the death of a moving-picture star. Science was sure now that it had at last been admitted behind the curtains of the cosmic drama. It marveled at the unsuspected machinery which had shifted a thousand scenes and created a million delusions. It concluded in modest admiration that the property man was the real dramatist and that the wires were the play.

But again, the Industrial Revolution made cities, and cities made crowds, and crowds unmade men. Once again in the modern metropolis those conditions appeared which in the ancient Orient had shorn the individual of personality, reduced him to insignificance, and led him to a similar philosophy of fatalism

and despair. In this teeming welter of city population one became a number or a hand; the mind became an instrument for measuring, for weighing, for counting. A man became part of the machines he fed with fuel. Democracy, which had proposed to liberate the individual, became itself a mechanism, an enslaving chain of machines leading mindless masses to the ballot box. It was as useless for the individual to rebel against this system of wires and pulls and pushes as it had been for the individual to assert himself against the crushing conformities and crowds of the distant East. Even the leaders became a half-inanimate portion of the new contraption, almost as will-less and blind as the deluded people whose noses were quadrennially counted (or not counted) at the polls.

This abdication of personality is partly the cause of the secret sadness that lurks beneath the glitter and wit of the modern mind. To any one who had read his essay called "What is Man?" the pessimism of Mark Twain can no longer be mysterious or strange. For that unhappy humorist considered that all his joyous quips were the chemical result of the constitution of the primeval nebula (for what sins has it not been blamed?); and he believed

that the exuberant vitality of Tom Sawyer was simply the effervescence of a carbon compound. A little philosophy is a dangerous thing, and inclineth a man's mind to pessimism. It is said that the hilarious machine that created Huckleberry Finn had some trouble with his wife. But what woman could peaceably share her bed and board with an ebullient mechanism that looked upon her as a set of wheels wound up in the infancy of time and now unwinding itself, with superfluous sound and fury, to eternal impotence—and silence?

Doubtless the loss of our childhood faith has saddened us; and the double bereavement of every mature mind, that must lose the theological ideals of its infancy and then the political ideals of its youth, leaves the heart a little heavier with the weary weight of this unintelligible world. But part of the somber undertone beneath our superficial gayety is the result of the childish and culpable precipitancy of our own thought. It was not demanded of us that we should fly from a theology that scorned the natural basis of mind to a philosophy that ignored the mental developments of nature. It was not demanded of us that having abandoned our puerile pretense

at being the center and summit of the universe we should then prostrate ourselves before the machines in our factories and accept them as the Platonic ideas upon whose august models fortuitous variation had fashioned our souls. It was not required of us that we should abandon our share in the vitality of the world, in the undiscourageable expansiveness of life, in the persistent constructiveness of thought. But defeated on one part of the battle front, we retreated from the field in abject surrender and despair.

Was it necessary to yield so utterly? Is human behavior of the same order as the erosion of the hills, or the flight of the winds, or the obstinate tides of the sea? Is the inexhaustible solicitude of motherhood, the eager ambition of youth, the quiet tenderness of love merely a mechanical redistribution of physical force? Are the power and exhuberance of life an appearance only? Is the passionate striving for beauty and perfection only a blind and fatal compulsion? Is the efficacy of consciousness only a delusion? Is the reality of will only a dream? Is man only a machine?

That is our question. It may comfort you to know that at the very moment when the theory of mechanism has reached down into

popular favor, it is being abandoned in a great many of the sciences, in biology (not in psychology), in physiology, even in physics itself. Lucien Poincare, one of the leading scientists of France, writes revealingly: "Today," he says, "the idea that all phenomena are capable of mechanical explanation is generally abandoned." The German scientist Cassiver says: "In modern physics the mechanical view of the world has been more and more superseded by the dynamic view." Le Bon, one of the founders of the atomic physics writes, "In spite of the efforts of thousands of workers, physiology has been able to tell us nothing of the nature of the forces that produce the phenomena of life. They have no analogy with those that are studied in physics."

Among the biologists the rejection of mechanism has become a common thing. Pavlow, the great Russian originator of the studies of conditioned reflexes, Driesch, the German embryologist, Haldane, professor of physiological chemistry in the University of Oxford—these are names that might make any mechanist pause. "The mechanistic theory," says Haldane, "has broken down. It no longer helps us in our physiological research. I should as soon think of going back to the mechani-

cal theory as I would of returning to the mythology of my Anglo-Saxon forefathers."

It is significant that Schopenhauer and Nietzsche, with all their hostility to traditional theology, rejected mechanism scornfully. Nietzsche asks the mechanist, "Is that world-interpretation alone right by which *you* maintain your position, by which investigation and work can go on scientifically in *your* sense? Do you really mean mechanical? Such an idea is a piece of grossness, provided it is not lunacy and idiocy. I say this in confidence to my friends the mechanists, who today like to hobnob with philosophers, and believe that mechanics is the teaching of the first and last laws upon which all existence must be built."

You perceive that it is possible for a man to be one of the most heretical rebels that the world has ever known, and yet to see that this ridiculous conception of vital behavior is a process of the same kind as those which we call mechanical, is a conception that comes to one only in an effort to leap back as far as possible from the theological hobgoblins of our youth. It is a defense-reaction, and once we have ceased to fear the recrudescence of theology in our own souls we shall be freer and

clearer in recognizing the shortcomings of this mechanical theory.

Yet, don't imagine for a moment that I wish to rest my case on authorities. Let us do our own thinking and face the phenomena directly for ourselves. Let us observe the unmechanical spontaneity, and purposiveness and selectiveness of life in locomotion, in digestion, in growth, in regeneration, in reproduction, in consciousness, and in genius.

Consider locomotion. Take some mechanism, say a toy automobile which will run resolutely enough when its spring has been wound and released by a human hand. Set it upon a smooth floor directly facing a slightly distant wall. Wind the spring, and release it. The car plunges forward against the wall. If the conditions are perfect it will rebound in the same line by which it advanced. It will stop for a moment and it will advance again and rebound in that same straight line, and continue forward and back in the same straight line until its artificial energy is completely spent.

By contrast let us perform in imagination an experiment that has been repeated time and again in biological laboratories. Take a glass bowl and fill it with water. Across the center

put a perfectly transparent glass partition just short enough to leave a narrow slit at either side. Into one half drop food. Into the other half drop some lowly organism, as simple as possible. Observe it under the microscope. It moves directly forward toward the food. It does not see the glass. It strikes the glass and rebounds in a straight line: apparently it is a machine. But suddenly it veers about, to the left or the right, and moves forward now at an angle, strikes the glass, rebounds. It veers again in the same direction. If it veered left the first time, it veers left again. It moves forward, strikes the glass, rebounds, again goes forward, goes through the partition, and finds the food. I ask you, can you conceive of a mechanical contraption of any kind that could possibly rival that judicious veering about, this appearance of self-directive purpose in the lowliest organism known to man?

Consider digestion. Some sensitive plants, like the Dionaea and the Drosera, close upon and absorb particles of food placed on the tissues. But when inedible substances are placed on those same leaves in the same way, even with the same form, the leaves do not respond. The amoeba normally rejects any-

thing that cannot serve for its nourishment. The cells of the human intestine show the same selectivity in their action. Each group of cells acts upon just one class of food and no other. Every cell in the human body chooses out of the blood stream the different and specific materials which it needs, and pours back into the blood the products of its own metabolic waste. Even at this lowly level you discover that remarkable ability to select which distinguishes the vital from the mechanical and which becomes ever more conscious and intelligent at each advance in evolution.

Consider growth. How could a machine grow? Why should it wish to grow? Was there ever a mechanism so marvelous that it might offer an anology to the astounding self-development of life? Consider the lilies of the field: what enchanting power is it that frees them from their prison in the soil and lifts them, slowly, longingly toward the sun? Behold the swallows of the air: there are no cogs in them, no pulleys, and no wheels, and yet, we might say with Shelley:

If we could scorn hate, and pride and fear,
If we were things born not to shed a tear,
I know not why thy joy we ever should come near.

Here is a child. Why does it hunger and thirst for nourishment? Why does it reach

out with its soft hands to possess the world? See it grow. Out of simple food it makes dimples and curls and laughing eyes. See it for the first time fearfully and bravely trying to rise to a vertical dignity. Why should it long to stand and walk? Why should it tremble with perpetual curiosity, with fearless and insatiable ambition, watching and listening, touching and tasting, manipulating, and experimenting, observing and pondering, thinking, growing—until it weighs the earth and charts and measures the stars! What is this magic transfiguration of puberty that takes the boy and quiets and deepens him into a man?—that takes the girl and fashions her into a gentle beauty fairer than any art? Is it mechanical?

Consider regeneration. Cut off one ray of starfish and the center will regrow it. Cut off all of them, and the center will regrow them all. Cut out the center and the rays will regrow it. A machine out of order cannot repair its parts; it waits stupidly and senselessly for some living hand to come and restore it to order and efficacy. But these larger phenomena have been adequately described by Bergson: we set them aside. The simplest healing of the slightest wound is unmechanical and

marvelous enough for me. With what artistry the new cells fling themselves over the gap in the wound as if some cellular intelligence were guiding the beneficent work! We offer mechanical or chemical aids to these vital processes, but we know that they have the same relation to nature's healing power that marble or clay has to the sculptor's hand. We know that in some way which mechanism will never illuminate the energy and impetus of life will bear us on and through a thousand battles and through a thousand injuries until that divine vitality is spent and finds for itself another and a younger form.

Therefore consider reproduction. Here is a little ovum, invisible to the eye. Here is a restless sperm, moving about in worlds unrealized. Each of these microscopic cells is rich with the heredity of a thousand generations; each carries within it unique and subtle qualities of body and mind, impulses and dispositions and aptitudes, hunger and eagerness and love, perhaps in their plasm already lie the passion and patience of genius. Well, let that ovum and that sperm unite. Suddenly these possibilities become realities. The miracle of a new life begins. The fertilized cell, spurred on by some internal urgency, divides into two,

into four, into eight, into a hundred million cells that grow in unity even as their number mounts. A heart forms and begins to beat; a brain forms and begins to think; tiny hands and feet bud forth and stir in the womb. And then the little marvel matures and enters the world. Air and sound and cold and light impinge upon it. Its ears and eyes, and lips open; all its nerves tingle with sensation. Life has broken through death again, and pours itself lavishly into its new mould, joyous and young and strong once more.

Is it mechanical? Jacques Loeb thought he had proved that reproduction is mechanical by showing that he could take the unfertilized egg of a female sea urchin and cause it to develop to a certain point by stimulating it with the prick of a pin or shaking it in a salt solution. He concludes hilariously that reproduction was mechanical. No wonder Cicero said, "There is nothing so absurd but that it can be found in the book of some philosopher, or some scientist." (Laughter) Poor Jacques Loeb forgot that he had started with a living thing, the female's ovum. He forgot that she was not a machine, or at least, that he hadn't proved that she was. He forgot that he already had that divine urgency and vitality in the little egg.

If it developed of its own self, so much the more marvelous and unmechanical was it. The behavior of that unaided female in producing offspring without even the casual and undignified assistance to which Nature ungraciously limits the male was all the more astounding, and indicates, I suppose, that the emancipation of the female sex will in the coming century proceed to an unpleasant extreme.

Far more revealing than the experiments of Loeb were those of Hans Driesch. Driesch had been brought up in the laboratory of Ernst Haeckel at Jena. He had every inducement there to be a mechanist, but he discovered phenomena undreamed of in his master's philosophy. He took the fertilized ovum and cut it in half; the parts grew together and the ovum developed normally as if nothing had happened. Imagine what would have happened to a mechanical arrangement subjected to the same experiment—instead of the potency of life for growth and healing and self-repair and self-development!

But Driesch went further. He waited until that fertilized ovum had divided into two and then into four cells. He dragged apart the four cells, bloodily separated them, and then threw them together haphazard. They grew

into a normal being. He took another ovum and waited until the third division when it consisted of eight cells. He dragged them apart again and put them together with deliberate mal-adjustment; and they found a way to grow into a normal organism just the same.

Now, ladies and gentlemen, imagine a machine that cohabits with another machine to produce a third machine. Imagine that each machine is composed of millions of parts, each of which has the power of reproduction, and divides and multiplies and grows. Imagine that each machine separates one special part of itself to coalesce with a special part of another machine to form the model of a new machine. Imagine then that some gigantic Driesch comes along and cuts that model in half, and slaps the pieces together, and it develops unperturbed. Imagine that after it has gone on to some degree of development all the parts are taken asunder and then put together into deliberate chaos, and imagine that the machine goes on undisturbed in its operation as if nothing had happened—like a good Ford car! (Laughter) I ask you; was there ever a jollier hoax in science or philosophy? Was there ever in any religion, ancient, medieval or American,

any miracle that could compare with this majestic and monstrous myth?

We must omit the discussion of consciousness. Dr. Watson tells me that I have only five minutes. It is lucky for him. I was just about to show that consciousness is not mechanical and even that it exists. We will do that too perhaps, before the night is over.

Let us in conclusion consider genius. Here is the creative power of life in its clearest and highest form. Here is the last product of that glorious vitality which dances in the atom and fills the soil and the sea and the air with living and growing things. Here, in genius, mind turns around and remoulds the environment in which it grew. Man, the supposed machine, invents and operates machines, and craves beauty, and seeks truth, and creates social order, and rises to the loftiest reaches of morality and love. And I am asked to believe that the philosophic frenzy of Plato, the fine passion of Beethoven or Shakespeare, the divine intoxication of Spinoza, the godlike grandeur of Leonardo da Vinci's mind are mechanical processes, that the thoughts and the aspirations of these men were put into them with some mysterious time attachment by that mythical nebula a million millennia ago!

Well, I refuse to believe it. I cannot understand how any cautious and skeptical mind can so far forget itself as to accept so ridiculous a fairy story; and I wonder does Mr. Darrow realize how much credulity lies behind his unbelief, how much simple faith in untested and fallible authority? I do not believe that Chicago's leading citizen is a machine mechanically meditating upon its own machinery, an automaton automatically reflecting upon its own automatism. If I could believe that I could accept every fairy story ever told and every legend in every Bible ever written. After escaping from the infallibility of a church and from the infallibility of a book I refuse to surrender to the infallibility of a physicist who tries to squeeze into his test tubes and his narrow formulae all this budding and teeming world. It is time we should put an end to this new age of faith, and come to doubt even our scientists when they speak to us of miracles in terms of a childish mythology.

Biology is at a standstill today because it has been dealing with death rather than with life, with butterflies not on the wing, but on the pin, with preparations of dead tissues for microscopic slides, with specimens preserved

in alcohol. I look for the time biology will rebel against its domination by the narrow concepts of physics, when it will understand that the life which it is privileged to study and immediately feel comes far nearer to the basis of reality than the unseen molecules and atoms of natural science. And when biology is at last free from the dead hand of the mechanistic method it will come out of the laboratory into the world; it will transform human purposes and human conduct as physics has remade the face of the earth. And by holding life and growth as fundamental and sacred it will bring to an end the brutal tyranny of machinery over mankind. Slowly as we move out of the age of physics into the age of biology we shall come to see under these superficial mechanisms the throbbing and struggling life beneath. We shall come to understand that in some modest measure we may participate in what Whitman called "the procreant urge of the world," that we may write some lines at least in the drama of creation. Or as I phrased it fourteen years ago in a youthful escapade in poetry:

Through my window the voices of children playing,
Voices that drown the wisdom of my books
Stirring me strangely.
I sit compelled by the throbbing melody
Of their songs and their laughter.
My still body moves to the rhythm of their play;
I know that the holiness of life is within them,
That their play is the groping of Deity
And the overture of persistent creation.
I utter no sound, but my throat aches with the longing.
O, God! to be with them, to laugh and to sing
And to play!
Softly now through the din of the voices
I hear tramping quietly the strong music of the eternal.
I am filled with the mystical movement of life;
I am warm with the fever of currents that begin not and end not;
I am merged with the river of leaping reality;
I am one with the riotous surge of sea,
And the madness of thunder, and the glory that illuminates the sky.
Sweeps through me onward the resistless power of all things,
Burns in me the hot breath of the forward flux of the world;
Through me, if I will, creation;
In me—oh, in me!—God.

AFFIRMATIVE PRESENTATION ADDRESS

Clarence Darrow

Chairman Watson: You have heard the negative, pleasing, convincing, logical, scholarly. Let us keep our minds open until the affirmative facts are in.

I have to be very careful in introducing the affirmative speaker. I think already Dr. Durant suspects a little collusion between the Chairman and the next speaker. May I say this about him, that he is the world's greatest student of law, and if I may say it in one way, that he is the world's most terrible speaker—terrible, that is, to the man who has to answer him. Mr. Clarence Darrow. (Applause).

Mr. Clarence Darrow: I am sorry the Chairman couldn't make this reply instead of me. He knows a good deal more about the subject than I do or than both of us do. (Laughter).

My friend over here has been talking for forty minutes telling us what life is not, but not uttering a single word as to what it is. He has in the last analysis quoted Walt Whitman as the champion scientist of the world. Now, I read Walt Whitman when I don't care to think but just want to feel, and when he says that "Holiness is life," it reminds me of Mary Baker Eddy when she said, "God is love and love is God." (Laughter). No use of having two words for the same thing. Is holiness

life? Bunk! It may sound good, but it has nothing whatever to do with this subject.

Also Whitman says, "I am a groping of Deity." Well, perhaps it would have been in order, if he believes it, to tell us what he means by Deity. If one seriously does not believe that man is a machine, then it is up to him as a matter of fairness to tell us what man is—if he can—which he can't. I will be honest with you in this matter. I cannot prove to you that man is a machine. I cannot demonstrate to you just what process makes life. I cannot demonstrate to you as a mathematician would demonstrate a problem just what process of mechanism brings consciousness, if there be such a thing, which is very doubtful.

What I do contend is this: That the manifestation of the human machine and of living organisms is very like unto what we know as a machine, and that if we could find it all out we would probably find that everything had a mechanistic origin.

If I were on the other side, I would not be satisified to belittle biology and say that the persecutors of the Middle Ages were wiser than modern scientists. If I did, I'd join the most medieval church in the city and I'd say goodbye to science.

Science cannot solve every problem, but it at least tries, and I think it has come very close to the solution of this old, old problem of what is man.

Now, what is a machine, first? I will not especially quarrel with my friend's definition of

a machine, for I never deal in technicalities, and I have no short cut in this question. I am here to learn. I only wish I had a chance! (Laughter.) One definition of a machine which appeals to me as pretty good is this: "An apparatus so designed that it can change one kind of energy to another for a purpose." Coal may be taken out of a mine and fed into a machine and it may produce power in the shape of steam or electricity. It was all in the coal before, but it has been transferred to something else. Nothing is lost, no forces, no power of any sort is lost, no matter is lost. It is simply changed into something else.

Is man this sort of a machine? Let's examine it. I don't know so much about the nobility and grandeur of man as my friend seemed to think perhaps he knows. I do not think that I am degrading him when I place him in the category of machines. If anybody complains it ought to be the machine!

What do we know about the human machine? We know that it takes one form of energy and transposes it into another. We know that we give it food which in the human system is broken up and the energy that results is transferred into something else. Let us look at the process that the human machine goes through in this transformation of energy and see whether it resembles any other machine, and if it doesn't, then what? Is there some mysterious thing about man which for lack of some other word, or for lack of any word that any human being can understand, we call a soul?

Does he stand out here separated from nature, and stand alone? Let us see what man does.

We feed him, or he can't live and he can't work. We place food in his mouth. What happens to it? It is digested. The energy in the food is released and goes into the body just exactly the same as the energy placed in the coal box of an engine is released and makes steam. How does it go? It is first taken care of by certain juices and is digested. It passes into the intestine. Then what happens? This digested food is power, just like the coal; it is energy. If a man is to work, if the body is to live, this energy must become a part of him. It must go to his brain, if he has any, to his feet, to every part of him. How does it get there? Man has a circulatory system made of arteries and blood-vessels. The artery at the intestine is separated by only a very small lining from the intestine. The juices of the intestine pass into the blood, some of the blood to the intestines. As it goes by these juices are absorbed; this food is absorbed; this energy is absorbed; the power is absorbed—a simple, plain obviously mechanical process.

Then what happens? These arteries and blood vessels reach every part of the body. They carry to every part of the body the strength that it needs and the power that it needs.

But the system must have oxygen just exactly the same as an engine must have oxygen for combustion. One thing is turned into another. This food is turned into starch, sugar,

and one or two other things and consumed to produce this power. The blood is pumped by the heart. We call it pumped; that isn't exactly the process. I don't need to describe the process—in fact, I can't. But for all conveniences everybody calls the heart a pump. Anyhow, by its constant action it pushes the blood out and in. It is carried to the lungs. As it passes through the lungs just for a brief second it comes in contact with the air, which is necessary to complete the fuel. The power is carried to every part of the human body; perfectly mechanical, like an engine, like a machine that a man has built—the whole process the same.

Scientists have made investigations upon this subject and no scientist claims that he has found the ultimate facts. Perhaps he never will, but he has found enough to justify the conclusion that man more nearly resembles a machine than he resembles a ghost carrying around a body for a time, much more nearly than he resembles something that no scientist even dares to talk about, because when he talks about it he can no longer be a scientist.

Mr. Durant talks about this reaction against religion. What does he mean by religion? Does he mean that the Lord took a perfectly good rib out of a man to make a woman? Is that what he means by religion? Has he given us one single conception of what he thinks man is? Is it more reasonable to suppose that man has come as everything else has come, that he is built upon the same pattern that everything else is built upon, that he is a ma-

chine who must take in new fuel to be transferred into power, that sooner or later the works run down and he dies just like any other machine? Now, if he isn't that, what is he?

Let's see what happens to man. Well, you take a man who loses a large part of his blood. You can put salt water in the place of it and the pump goes along until he recovers and begins making blood again. His leg, his arm, his finger are levers operating just like any other levers, built upon the same plan, all of it mechanistic. There is not a single thing upon which you can lay your hand excepting this "spirit" which is the same as the "infinite." I guess it is. I don't know what either word means. They are words that scientists do not use, although they may think there may be something in them, but they are not scientific terms, at least.

Is there anything that a man presents in his conduct, in his actions, in the uses of his abilities, that isn't performed in exactly the same way as a machine? I think there is not.

Now, let's see how far my friend has to go to say that man is not a machine. Why not? Because I can't explain and because no man can explain every process? That hasn't much to do with it. It might be more satisfactory if you could. But men have been working upon that problem, and they have gotten much further along than they were a few years ago, and they are getting further along every day.

I don't say I am sure that there is nothing

in man but a mechanism in the same sense that I am sure that two and two make four. There are very few things in the world of which I am as sure as that, and I am not sure of that. It would depend upon what the two things and the other two things were, perhaps, before I'd be sure they would make four. Two philosophers and two religionists wouldn't make four anything. They'd make two philosophers and two religionists. That's all.

I am not sure of it to a mathematical demonstration. But I am fairly sure of enough things which to me warrant the inference that when the story is all told, if it ever is told, this will be the conclusion. And I am fairly sure that no fact has so far been discovered that proves anything else.

My friend talks about the absurdity of a machine writing poetry. Well now, I think that is just what machines do, as a rule. Nothing but a machine can turn out the metrical stuff that passes as poetry.

But I was talking about man. If man is a machine, or if he is a superhuman, whatever that is, if he is a part of the infinite, so is a fly. Can you explain a fly any better than a man? We can't explain him quite as well as we can man, because we don't understand his way of buzzing, that's all! (Laughter) But flies beget, which isn't the only sign of spirituality, whatever that may be.

I might call my friend's attention to the fact that life existed before it was produced as it is today, and it may exist after it is produced

in some other way. Begetting is only one method that nature has taken for passing to a certain stage. That is all. But it isn't universal, never was, and perhaps it never will be. I don't want to discourage my friend, but it probably never will be universal. That is only one method.

Now, the fly doesn't belong with the machine. The fly has free will. It knows what it wants when it flies into the butter. It has what my friend calls free will, just as much as he has, just as much as I have, just as much as anybody has. It is governed by exactly the same laws.

If we were standing somewhere out in space and saw this planet moving as if it was in a devil of a hurry to get along with its journey, we'd say it had free will and knew where it was going. Of course, we'd say it, because we don't know any better, and somebody standing out somewhere and watching all the automobiles come into New York in the morning and go out at night would say the drivers have free will, too. They have neither freedom nor will, or they wouldn't do it. (Laughter.)

But has the fly free will? My friend says so. He talks about some of these animals that after long trial and error, bumping up against something, will find food. They don't all find it. Some of them die. And those who do find the way are preserved.

Let's see about an animal. Let's take a little animal, the plant louse. I use that for two reasons, first because I know something about

the investigation and secondly, I want to get something as close to man as I can. They catch these little fellows in a test tube, and they let a little ray of light shine on one end of the tube, and what happens? They immediately all start for that end of the tube. Why? Free will? They want to get where they can look out? Oh, no, nothing doing. They turn the tube a little, and they all run over each other to get to the other end of the tube because there is light there at that end. You see? The bugs (I don't mean humans, I mean the other bugs) hang around the electric light on a hot summer evening. What do they come there for? Of their own free will, to get scorched? Oh, no. They come there because of the effect of light upon their organism. It is a simple tropism, like hitting someone with a hammer. They are compelled to go there. They are brought there by the action of the light upon their structure; nothing else.

Does it help this situation any to say that everything that is self-perpetuating has a soul or is one with God, or two with God or whatever it might be? You must include, then, every animal—more than that, every plant is made the same way. Might the plant not say, "I am green; I am one with God. I am a creator. I take 'inorganic' matter and make 'organic' matter out of it. I have a soul." These silly scientists who are sillier than any religionists ever were, say, "I am a machine, but I am one with God." The plant can reach down into the earth and the rocks and send a root out into the moist ground and bring it

all together and make a plant. And some of us higher organisms can eat the plant so that we can write poetry.

All of these plants and all of these animals have the same basis of life as man. My friend says that a human being can grow, and a machine can't grow. A mechanistic organism can grow. Every plant grows; all animal life grows and decays. It is born and it dies. It lives its time and goes on its way. Now, what is the difference? If a man is made differently from a machine, then a tree is. A tree is a collection of cells, always growing, always dying. Man is the same; other animals are the same. Probably the cell is the furthest down you can get to the foundation of life, so far. Life probably comes from protoplasm. But that isn't saying much. It was once supposed to be saying a great deal. It is only a statement of the substance that it comes from. There is no mystery in it. Take any one of us and have us analyzed by the chemist. If you want it done, why you can have it done. You can find out everything that is in you excepting your oneness with God. You will have to go to the theologian for that.

When it comes to man you can find out every single thing that is in him. There isn't a single thing in him you can't buy at the drug store for about ninety-five cents, and a good many of them aren't worth it at that! (Laughter.) Why is it, pray tell me, that all the investigation, with closed eyes, that theologians have always given these problems, with all the thought and all the speculation, down through

all the ages they have never found a single thing that isn't mechanical, never found a single thing in man, or the manifestation of a single thing, that isn't a mechanism? And when we get to man and understand him, we understand what the mechanism is. It is man's body.

Of course, man is a little more complex organism than an amoeba, which has one cell. But there isn't so much difference at that. A man is a combination of cells like everything else. A man has more cells. An amoeba has one cell. Man is a little more complex than the early organism. We talk about the man who writes a poem. Why, they didn't begin by writing poems. Man began even lower than that! (Laughter.) He began by picking up worms and bugs and eating them—and enjoyed it. He began way down with a different form, different organs, came through almost every form, even the simplest, up to his present estate. I don't know what that is. People that have any estate always brag about it. That means that he has got more nerves to bother him, and there are more ways that he can die. But he began simpler than he is today. Not even as a writer of poetry, an organism that reached around to avoid pain and seek pleasure, looked for the sun just like the plant louse, looked for light the same as the potato, having some emotions which are in a rude way life-sustaining probably, the emotion for food and the emotion to keep his fool species going along.

His body isn't a perfect thing in any way.

It is full of mal-adjustments. No two bodies are equally good, but no two are perfect. Even his eyes are a botched job. His nervous system is a bad job. His whole internal organism is bad. At that, it is better than most machines, perhaps than any. But why? Why is it bad? I will tell you why. Let me give you a few simple illustrations. Men get varicose veins in their legs. Why? Because the small veins in the legs won't hold up all the blood of the body and they were made as they are when he walked on all fours. The veins didn't need to hold up any such weight of blood. His whole apparatus goes back to a primitive time and more simple arrangement. He used what he could use of the old while he was getting the new. How long has he been doing this? Nobody knows. As a human being he has been here at least a half million years. As a descendant of earlier organisms he has been here since the earth was cool enough for life to exist. He is constantly changing.

Is there anybody who can tell us where the first form of life began, or how it began? If he can, he ought to. It would be very interesting. Can you tell when or where or how? Nobody knows. They don't know when or where or how, but they do know this. We read it in the rocks, we read it in man; we read it in all animal life that this first was an inorganic world floating in space, made for nobody so far as we can see, unless someone was playing football with it, and it was hardly large enough for that, or interesting

enough. It circulated in space for millions of ages without any form of what we call life, and gradually, as it cooled, and probably through heat and moisture, vegetable life appeared. Vegetable life had the field alone for ages. Vegetable life created inorganic matter into organic matter. How? Because it had a soul? Nobody knows anything about the soul of a cabbage, although they think they know about the soul of a cabbagehead! I can't see any difference. Nobody knows a thing about it. Animals came, and they lived upon vegetable life, more primitive forms first. Man is the last and perhaps the most complex of all. We know enough about the past, we know enough about evolution, we know enough about man himself, we know enough about the mechanical constructions of things to be warranted in believing that when we have all the facts and are wise enough we will find that all is of one pattern. (Applause.)

NEGATIVE REFUTATION

Dr. Will Durant

CHAIRMAN WATSON: The amenities are all over, the compliments are all passed, and the fur will now begin to fly. We will now have fifteen minutes refutation by Dr. Will Durant. (Applause.)

DR. WILL DURANT: I don't like the rather harsh things that my dear enemy said about me in the beginning of his address. They hurt me a little (because I am not entirely a machine), but I shall try to forget them. I didn't know that I had said nothing, and if that is true, it is utterly absurd for me to try again. I resent, too, the effort to drag religion into the debate and to compel me to defend things which are not at issue! (Applause.) I said nothing about religion except perhaps in that little poetical flight at the end, which I presume even a machine would understand was meant as poetry. And I thought that I had put as much science into that first talk as could be digested in forty minutes.

I am astounded to learn also, that my task tonight is not merely to show that man is not a machine, but to show various other things. The gentleman expects me tonight to solve problems that no philosopher has ever been able to solve, and he seems to assume that unless I can answer to his satisfaction and to everybody's satisfaction the old problems as

to what is life, what is man, and what is mind, I have not done my task. That is a ridiculous demand upon me. I came here tonight to try to show the absurdity of a certain theory. I submit that that is absolutely all that I am required to do. I refuse to give Mr. Darrow more than he deserves for one evening! (Applause.) Some other time.

If a man comes to me and says that two times three are nine, when I prove to him that he is wrong, it has nothing to do at all with the question as to whether I can say what two times three are. I may be able to demonstrate that his answer is incorrect. If I can show that the mechanical theory of life runs counter to evident facts, it is absolutely all I have to do tonight. Probably I could do more, but not just now.

Mr. Darrow tells me that no fact has been discovered that proves anything except that all life is mechanical. Well, I can only believe that he had a good nap while I was talking. I thought I had loaded the atmosphere down with facts about locomotion and digestion and growth and almost everything conceivable. I observed the care with which he avoided touching upon the facts that I had enumerated! (Applause.)

I don't remember his attempting to meet any one of the points made, but I have hopes that an attempt will be made before the night is over. He says with the audacity of a young student that we have never found a single thing that isn't a mechanism. Well, of course,

that is the begging of a question. We are discussing that question, we are not assuming it. He tells us there is not a single thing in you that cannot be bought in a drug store. I don't think you could buy the raw materials that would make a Clarence Darrow unless you had some life potency to work upon those materials and build them up! (Applause.)

He tells me that a machine is something that transforms energy—yes, when you guide it, when you feed it, when a living being helps it, and even in that famous furnace of his that he talked about, the coal is put in by a human hand, and the coal itself was a living thing, and the wood that you put in is a living thing! (Applause.)

This childish comparison of the body to a machine is useful in textbooks of physiology where we have to introduce the young student to the superficial phenomena of a tremendously complicated situation. But to presume that that is anything more than a little helpful analogy is a youthful presumption. Would this circulatory mechanism, this respiratory mechanism, work without the vitality in the heart, and in the living tissues of that body? Take that vitality away, take that heart away, and then put all your oxygen in and all your hydrogen in, and all the materials that you wish. What happens to them? Are they built up into life? Not at all. The comparison with a machine is worthless! (Applause.) Of course, Mr. Darrow never thought of that! (Laughter.)

He tells me, with that same blithe assumption of the question under discussion: "A mechanistic organism can grow." What an absurdity! The whole question in discussion is whether it is possible for a mechanism to be an organism or for an organism to be a mechanism. That is the thing we are discussing. For a man to assume that there is anything, any such thing in the world as a mechanistic organism, when that is the thing he has to prove, is delightful; it is even more close to poetry than any effort of mine! (Laughter.)

I was interested to learn about this gentleman that Mr. Darrow spoke of who lost some blood and who was given salt water into his veins. Mr. Darrow gave himself away when he said that after a while the man began to make blood for himself again. That is a queer thing to do, isn't it? The living organism does it through that living power in it, which is there, which lies under your nose, though you may not be able to give a chemical analysis of it. That is the trouble, you see, with Mr. Darrow. He thinks that because I can't give him a physical and chemical explanation of what this living vitality in me is, that therefore it doesn't exist, or therefore it is mechanical. If we can't explain it in mechanical terms, therefore, it is mechanical. Do you see the argument? (Applause.)

Why, I submit that the merest sensation going on in these living organisms here tonight is something that Mr. Darrow has not begun to reduce to a mechanical process. A machine doesn't repair itself that way, never could pos-

sibly begin to create blood in itself. Always that power of life is there in a living thing, which distinguishes it from mechanisms.

I sometimes suspect that all the mechanisms in the world, not only those that we make, but all the things that we think are mechanical, are simply the superficial relic of what once was life. I feel that when life passes away, or takes some other form, it leaves these excretions, so to speak, of mechanism behind, as some day this exuberant vitality of mine will no doubt be gone from the bones that hold it together now, and in my grave there will be mechanical processes—perhaps. So it may be that all the mechanisms that we see are the left-behind remnants of life that has passed on. That is just a suggestion that would have to be considered at great length to amount to anything.

Now, when I speak of this power of life, it is in that sense that I consider myself free. I do not say I have free will. I submit that I never used that phrase, except to ridicule it in my first address. I quite recognize that my will is the sum total of my desires, my aptitude, my dispositions, my tendencies. I recognize that I was subjected to thousands of molding forces even before I was born. But there is that thing, that quota, that iota, that particle of life that is subjected to these things. It is a neglected part of the determining conditions. That is the whole point. It is not merely a passive wax upon which experience writes. Surely Dr. Watson will bear me out when I say that this view of mind is simply a passive

thing upon which sensations work their will unresisted, that it is very antiquated psychology.

We even select what our sensations will be. There are thousands of audible things which you do not hear at this moment because it is not to your purpose to hear them. You select what you shall hear, what you shall see (within limits, of course). The mind is a selective and reacting thing. It is a molding thing.

Mr. Darrow, of course, is still living in the age of Herbert Spencer: his philosophy and science have not, perhaps, come down from that mid-Victorian age. He would think as Spencer did of the mind as simply a readjustment to external things, of education as an adjustment of the individual to the environment.

We understand today that the mind is not only adjusted to its environment, but it adjusts the environment to itself. It molds and creates. We understand that education does not or should not merely fit the individual for his environment. It should fit him to fit his environment to his own will and purposes and desires. Only in a non-mechanical philosophy could you conceive such an education. I am determined, I am compelled, I am molded, but there is something in me that struggles, that has some inexplicable but visible and actual energy. Now that must be considered. It is the most immediately known thing in the world, this vital force that exists in our human behavior, this consciousness.

I am told that there is no consciousness.

In one minute can I show you that there is? Consciousness is the theater of imagined responses, enabling us to select which of the imagined responses we perceive will be the most successful. Here is a situation, a problem for me to face. A purely mechanical organism would react at once; why should it hesitate? I say to myself, "Now, I could do this." I imagine what would happen if I did this. I see in imagination that that result would be unpleasant. I do not do that. I imagine another possibility. I rehearse, so to speak, various possible responses. That is the function, the efficacy, the meaning of consciousness. And then I choose; and in the degree in which I have knowledge of my many possible responses, in the degree in which my knowledge enables me to perceive and understand that variety of possible reactions, that which in my foresight seems most beneficial to me. I act then, for all the world, unlike a machine. That is the meaning of consciousness in this world.

AFFIRMATIVE REFUTATION

Clarence Darrow

CHAIRMAN WATSON: Mr. Darrow now has twenty minutes in refutation. (Applause.)

MR. CLARENCE DARROW: I am really sorry if I said anything that was at all rough to my friend. Perhaps I did. There are few people, few men whom I have ever known for whom I have a higher regard and a greater appreciation. I'd rather have written his book on philosophy than to have done anything or everything that I ever did. (Applause.) And I only wish he was as philosophical in his debate as he is in his book! (Laughter.)

Now, let me see. I told you that you could buy everything in a man in a drug store for about ninety cents if you want to fool away your money. You can't. We don't know how to do that, perhaps never will know. But we do know that every man acts as a mechanism, or I think we know it. He says my illustration of the blood and the action of the heart and all that was primary stuff. I wish it were primary stuff. But he says you couldn't make all this act without the heart. Oh, yes, you can. Life existed for ages without anything that resembles a heart. Why, it is a growth, it comes from circumstances that surround it. It wasn't here forever. It grew up as the machine changed and as it may change. Perhaps it will grow again in some other way.

We used to say that nobody's brain could be injured without death following. We know better now. We know the brain is about the mushiest part of the human organism. You can take away the most of it and get along all right. (Laughter.) I don't mean all right, but just as well as you do now. In some of the animals it has been taken out entirely, and they got along all right. And of course from all we know of man we know he does just the same thing without a brain as he does with it. There isn't any difference.

There isn't a thing in man that I can think of at the moment that hasn't existed in various forms or that he hasn't lived without, and if he lives long enough in this world of ours, this man that we see today will probably be entirely changed, whether for better or worse we don't know. I imagine it couldn't be for worse, so it will have to be better.

The strange thing is that in a religious sort of way we assume that everything was made as it is today. My friend says I ought not to have brought in religion. I again say I didn't bring it in. He brought it in. But why not bring it in? It is there. Let me say this: The conception that has been taken tonight, which is generally taken, is a religious conception. (Applause.) It is not a scientific conception, and it has no relation to science. (Applause.)

I want to repeat again that I can't explain the mystery of life, but I think I know enough about it to believe that when it is all told, human life and animal life and plant life will be just like everything else that exists, and all

come within the same great general realm of law, that no miracle was wrought when these things made a human being. Man wasn't made out of the earth in the image of God, with a bone furnished to make a wife. Nothing of that. He is a matter of evolution from the first forms, and where those come from I don't know, but I do believe that it all works in a mechanistic way. (Applause.)

Suppose one of you is afflicted with disease and you go to a wise doctor. What does he do? Ask you about your soul? He does if you go to a Christian Scientist, but I am speaking of a wise doctor. He doesn't say a word about it except perhaps tell you to be cheerful so your food will digest. He examines you. He tries to find the cause of your malady. If he finds it, what is it? In every single instance it is a mechanistic cause, every one, and no doctor ever finds a cause until he finds a mechanistic cause. (Applause.) Until that time he goes at your case blindly, giving you such medicines as he happens to stumble on, and sends you the bill, but he knows nothing about the disease, nothing whatever. Every solution that is made of man's conduct, every single solution that is made is a mechanistic solution, and all that we can correlate in the conduct of a man confirms the machine which converts one form of power into another form of power.

Let's see how serious it would be if I am not right in this. My friend says I have no business to ask him the question where life came from. That is a lawyer's answer. (Laugh-

ter.) You know lawyers. I have the affirmative of this case. It is enough for him to stand off and parry my blows, if any, and not let me land on him, and keep my mouth shut as to everything else. That is enough. If he could do that he'd do well. But one way to prove that my theory is wrong would be to tell us where life did come from, wouldn't it? Some of you shake your heads. That is because you are religionists. (Laughter.) You don't want to contemplate giving up your soul. You can't get rid of the idea. Your own egotism makes you believe that you are so great that some Supreme Being designated you for immortality, and you are going to live forever! (Applause.)

Now, if one did not believe in the mechanistic theory of life, he probably would believe in some other thing. Why not tell us? Why haven't we heard one single word? Why do we say, why do we hear only the statement that you don't account for life? You don't account for this, you don't account for that, and still as to anything we believe we are silent excepting to recite poetry, which isn't very good poetry at that! (Laughter.)

I think that the theory of mechanism is growing very rapidly in the world. There are only two theories that I can conceive. There may be a hundred others that no man knows about, but there are only two theories that can be conceived. Now my friend talks about vitalism. What in the dickens does he mean by vitalism? Change the word spirit to vital, and

it means nothing. There are only two theories that way back in the infinite past there happened to be matter in this universe. Now, don't any of you get too much proud flesh, as Rev. Field called it. Your soul was made by people who thought the earth was flat and the stars were right close by and about as big around as a dime. Your ideas came from that, and by people who thought that the stars were placed in the heavens for human beings to look at, nothing else. A human being was so great and so wonderful and so magnificent that everything on the earth was given into his keeping, and he alone in all the universe was endowed with an immortal soul. Now, if you want to believe it, and can, why do it. You will never get over it unless you take something for it! (Laughter.)

We know now that the earth is one of the most insignificant spots of mud in the whole untraversed universe; that there are an infinite number of suns and planets and stars that are as much bigger than the earth as we are bigger than a fly speck. We know it, and yet, we hang on to the idea that somehow or other we are going to be cheated unless we live forever!

I am not here to give you any consolation. I am not going to give you any consolation excepting this, that in a world of egotistic people who have nothing to brag about excepting their ignorance, a frame that is capable of some joy but of much pain, a life of vicissitudes whose end is death and pain, and whose constant ac-

companiment is pain, in a world of that sort it ought to be some consolation to know that you haven't got to live forever.

Why am I interested in this subject, and why should you be interested? Because, as my friend puts it, man is an inquiring animal. Can any being something like man be an inquiring animal? Oh, yes. All the animals are, and I suspect in the same sense all the plants are. You see them poking their noses into the most unheard of places, and for no reason on earth excepting curiosity as far as I can see. We can't correctly translate the actions of plants and animals. The only thing I ever saw that to my limited knowledge seemed to have free will was an electric pump I had once on a summer vacation. Every time we wanted it to go, it stopped. I couldn't think of anything except free will, and all of a sudden when we knew nothing about it, it started again? (Laughter.) Now, I suspect that there was a reason for it. I suspect there was just as much reason for it as there is for the most intelligent being, if we could find such a person, and such an action.

I think I know this—that not a thought can pass through your minds without wasting tissue. Of course, people don't waste much tissue! (Laughter) I know that. Not an emotion can move you without its cost in tissue. You can weigh the waste in tissue caused by the life and the thought of a man confined in a glass cage. You can weigh it just as you can weigh what is spent and used by a steam engine in producing steam. The law of conservation and

correlation of forces which so far seems to be supreme means that no force is lost, but that it all passes into something else, and that no force whether physical or what this moronistic world calls intellectual (moronistic was the word I used), can come without being fed, without the power and the force that it takes from your body in some form.

As far as we know and can see and understand, this is a monistic universe. It is all of one piece. The farthest star that our telescope sees is made from exactly the same material as the earth. One law rules, and it rules the living and the dead. There are no living, and there are no dead, because there is action in the dead as well as the living, simply of a different form as the decay of the body and sending forth of the gases is all one thing, and it is idle to try to separate it. (Applause.)

NEGATIVE REBUTTAL

Dr. Will Durant

CHAIRMAN WATSON: Dr. Will Durant will now close the debate with a five minute rebuttal.

DR. WILL DURANT: I doubt if the first speaker in a debate has any right to this third appearance. I have protested against it, but they have asked me to obey the Queensbury Rules, and so I should like to say (now that Mr. Darrow has no chance of answering me) that all his talk about the immortality or non-immortality of the soul is irrelevant to this debate, and I put it aside. (Applause.)

He tells me that mine is a religious conception, and that it is not a scientific conception. Words do not frighten me. What he really means, though, if he understood himself and the terms that he uses, is that my conception is not a physical conception. He supposes that the only science is physics. I wonder has he studied biology and seen the vitality of it? My conception is a biological conception, and not a physical conception, and the assumption that a conception is not scientific unless it is physical is the assumption that it is supposed to be proved tonight, and not to be taken for granted continually. Life, not a machine, is the clue to understanding the world. That

is the conception that I have given. If that is of any use to religion, very well. It is welcome to it. Anybody is welcome to that because I have simply arrived at it in an honest search for the truth, and I don't care where it leads.

He tells me that all medical causes are mechanistic. Nonsense. Has he ever heard of the germ theory of medicine? Why, the whole science of medicine today is built on Pasteur's conception that practically all diseases are caused by live organisms! (Applause.)

Let us be honest and clear-headed with ourselves. Do we treat ourselves as machines? Do we treat our friends as machines. Does Clarence Darrow treat people as machines, or as living, growing, groping, feeling personalities? I leave his life to answer that.

He tells me that life is stupid, that it is often suicidal. The insect comes toward the light. Yes, life is not infallible. It is full of errors, but that is just the point. If it is full of trials, it struggles around and through these stupidities; it dies. Even the lowest behavior is not as Mr. Darrow thinks. Let him read the latest report on the investigation of the behavior of the protozoa.

Yes, life is full of mal-adjustments, of sufferings, but what I see in it is that it ran a tremendous gamut from the amoeba to Clarence Darrow, and I do not believe that we can understand that effortful struggle of life to reach from that lowly condition to this culminating condition unless you see in it something that

could not possibly be explained in mechanical terms. And when I say vital I do not use a mystical term. Let me remind you that we are more directly aware of vitality than of any other fact in the world. If that is not a fact, nothing is. And yet, we die, which I remind you again a machine cannot do. But sometimes before we die we reproduce, and through reproduction life cheats death and passes on. We individuals are the cells of the body of life; we drop off like the epidermal cells of our hands, but the living power goes on, reaching ever higher.

Mr. Darrow wants my theory. My theory is not vitalism. I never used the word tonight, but he has chosen to put that theory into my mouth. Vitalism is the theory of Bergson, that in addition to matter and absolutely distinct from it is this thing called life which he believes can exist without matter. I disagree with all those propositions. I do not say that life exists in matter and distinct from it. I say matter is alive. I say that life and matter are one in inextricable unity, and matter is a word that describes only one side of that complicated and throbbing fact. (Applause.) I suspect that if we could get into the inside of the matter, we should have to use in order to understand it that concept of the organism and vitality which I have suggested to you. That is all.

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INTRODUCTION

Clarence Darrow, Chicago criminal lawyer and liberal, and Wayne B. Wheeler, general counsel of the Anti-Saloon League of America, clashed in a debate on prohibition, April 23, 1927, in Carnegie Hall, New York City.

Mr. Darrow made a frank appeal for nullification of the Eighteenth Amendment and declared it was not only the right but the duty of American citizens, as free men, to refuse to obey the prohibition law. The representative of the Anti-Saloon League, on the other hand, called this "anarchy," and demanded that those who dislike prohibition agree to its enforcement while it is on the statute books, and to work by legal means for its repeal if they so desire.

The two debaters presented a striking contrast in personality. Mr. Darrow, 70 years old, was grim, grizzled, humorous, vigorous in gesture and tone. His dinner coat, his black tie awry, and his forelock of iron gray hair falling over his temple, were symbols of the easy forcefulness which characterized his speech, while Mr. Wheeler's intense seriousness was also symbolized by his full evening dress, his immaculate white tie, his pale, long intellectual face, his ascetic expression, and his meticulous care in speaking.

There was no decision, but Mr. Darrow plainly had the sympathies of the audience, which gave him prolonged and repeated cheers and applause, while it mingled boos, catcalls, jeers, hisses and other derisive noises with the applause Mr. Wheeler received. It was obviously a group in which wets predominated in large numbers over drys. Some of the wets, especially those in the top gallery, kept up an almost continuous series of heckling and interruptions during the time Mr. Wheeler had the floor.

DRY-LAW DEBATE

SUBJECT OF DEBATE

The formal subject of the debate was: "Resolved: That the Prohibition of the Beverage Liquor Traffic Is Detrimental to the Public Welfare." Mr. Darrow had the affirmative and Mr. Wheeler the negative.

Mr. Howe in presenting Mr. Darrow, who opened the debate, said:

"We have seen Mr. Darrow sometimes as the champion of unpopular causes; sometimes again as the leader of popular thought. But he has always appeared as a bold and fearless individualist."

MR. DARROW'S ARGUMENT

Mr. Darrow said:

"I presume that even the prohibitionist would have meant that if a man is to live in this world he ought to have some freedom. There ought to be some things he could choose for himself. Instead of setting everybody to govern everybody else, each man ought to have something to do with the job of controlling himself. And if he has any liberty whatever it seems to me he ought to have a right to say what he should eat and what he should drink!

"Eating and drinking represent two of the most primitive instincts of man, or one, as you may put it. He can't live without them. A large part of his life is made up of it, and there are no two people whom I ever met that had the same taste in either direction. And, therefore, first of all things else, I would say that any degree of individual freedom should leave a man free to choose.

"There are those who by nature and inclination want to settle everything for everybody

else. To them liberty means doing as they please and making every one else do the same thing. To me, it means a dull, gray, uninteresting, cruel and tyrannical world. I would rather see a free society even if it involved mistakes than a cut-and-dried machine-made society where every individual was intent on seeking to rule some one else. The latter seems to me to be utterly inconsistent with any sane idea of living. We can see its marks all down through time. Men have always been intolerant, especially ignorant men, because no one is so sure of their own position as ignorant persons.

ASSAILS BIGOTED OUTLOOK

"As you grow in knowledge and experience more and more you have doubts of things that seem plain before, but the ignorant and the bigoted have always felt so sure that they have been willing to inflict any penalties upon any person who dared to interfere with their mode of thought and life.

"In the past we have had laws against heresy. More men have been destroyed by death in the most horrible forms for the simple right to believe and think and speak as they pleased than for any other crime, perhaps all the other crimes for which men have suffered. The torture, the methods of execution, the cruelties have always been much more severe where some real question or some religious question was involved than where there were plain subjects of criminal statute.

"The world has seen men and women without number executed for witchcraft, due to the zeal and bigotry of religious leaders. These executions have run over a period of four or five years. Even in America, supposed to be free, we have had examples of the hanging of old women for witchcraft in New England, a crime

which all fairly intelligent people know today is an impossible crime. Of course, all women couldn't be guilty of witchcraft. Young ones might. But even with them it should not be a criminal offense. These same people have loaded the statutes of every state with Sunday observance laws, and in the City of New York today is an organization devoted to hunting up the people who have any pleasure on Sunday and passing a law to make it a crime.

"After a while they will look around for babies who laugh on Sunday and try to have a law to stick pins into them because it is wicked to laugh on Sunday.

"They have made it a crime to play on Sunday, to work on Sunday, to go to a theater on Sunday, to run an automobile on Sunday, to go anywhere on Sunday except to church, and the graveyard, and back home again.

JOY TAKEN OUT OF LIFE

"This organization is just as active today compared with its limited capital to prevent baseball, golf, automobile riding, newspapers, all forms of Sunday activity except going to church, as it ever was. In New England they passed laws making it a crime for one to stay at home from church, and then they passed laws against sleeping in church. Of course, that took all the pleasure out of religion. In New England for many long years it was against the law to go to any theater, and the good Puritan fathers in Boston would pass these laws and then sneak down to New York to attend a theater, not on Sunday, but any day. Why? Because there was joy in it, and this class of people have never been able to distinguish between sin and joy. If a man had a smile on his face it was a sure thing that he had been doing something wicked. If he hadn't he would be sober and solemn and

wait to smile until he came to the kingdom come.

"You can scarce mention any activity that has not been forbidden and as a general rule is not forbidden today on Sunday.

"What has happened? In every city and in every State in the Union these laws have been openly violated. We do have Sunday theaters and Sunday baseball games and Sunday enjoyment and Sunday automobiles and Sunday newspapers and Sunday gasoline and Sunday almost everything. Do you know anything that these people would not lay their hands upon if they but had a chance? I cannot think of anything. By hook and by crook they pass prohibitory legislation providing that you could not get a drink.

NEVER NOTICED ANY DROUGHT

"Personally I have never yet noticed any drought. And I never expect to. All that has been accomplished is to take beer and wine away from people who can't afford the high prices. That is all. But they are getting around that. They are buying grape juice and letting the Lord make the wine for them. And the amount of grapes, running into ten or twelve times as much and increasing every year, shows that there is hope even in spite of prohibition.

"They ought to be proud of their work. These people do not even believe in a rule by majority. They have taken the Constitution of the United States, which so far as any legislation of this sort is concerned is meant simply for the protection of individual liberty against the majority, for there are some things that even majorities ought not to be able to do, and this Constitution is meant to give some sort of protection to the individual against the caprice and the bigotry of a given majority. But in times

of war, by all sorts of scheming and working and bulldozing and terrorizing, they managed to put through a constitutional provision which said it should be unlawful to manufacture and sell intoxicating liquors anywhere in the United States.

"In the States of New Mexico, of Nevada, of the South, of New England—and I am speaking not of Massachusetts but of Vermont—that these States might forever keep a constitutional provision alive against great masses who live in the great states of this great Commonwealth, six million people out of 150,000,000 people can forever keep this constitutional provision in the Constitution of the United States. No matter how great the majority arose against them, unless it was overwhelming, in a great flood which seldom comes, it would leave this constitutional provision there and then supplemented by the Volstead act of blessed memory.

SCORES THE VOLSTEAD ACT

"An act which went way beyond even the Constitution itself, an act which declared that one-half of 1 per cent of alcoholic beverage was intoxicating when every human being knows that it is not, an act which has provided the amount that can be given by a physician for the treatment of the sick and the amount that can be given by a minister for the salvation of the soul.

"They lay their hands upon both this world and the next. The direst punishments as have been the case all through history have been meted out against those who dare to take a drink if they can get it. But what ought to be a $5 fine at the most is made a penitentiary offence and every other provision in the Constitution is violated so that they may enforce the Eighteenth Amendment.

"They rejoice in a double jeopardy that under

a State law they send a man to the penitentiary for selling liquor on the first day of March to John Smith, and he may serve his term and come out, and then he must be sent unto the Federal Government, too. Nothing is severe enough, and even worse than that they stand like a stone wall for poison liquor so that any man who takes a drink of alcohol today may be poisoned without a trial by a jury, without anything, just be poisoned because he dared to take it! They have converted the United States into a land of informers and spies—where every man is watching to turn up his neighbor, where nobody but prohibitionists can be trusted to be placed on guard, and those only for about a month until they fall, too!

"Every other issue of importance to the welfare of man has given place to this mad desire to control individual habits. There is no other question today but this. Judges, laws, everything gives place to this; and against it is the deep, strong, eternal protest from those who love freedom, from those who wish to govern their own lives, from those who are afraid of the tyranny and the superstition that have produced this kind of law in the past.

SAYS LAW CAN'T BE ENFORCED

"It has never been enforced. It can never be enforced! Until the last spark of independence has fled from the heart of the American people they will never consent that an organized body of men shall tell them what they may drink and what they may not drink. There were human beings in the witchcraft days of New England and juries refused to convict until the law was dead. There are jurors today who have too much manhood to sit upon a jury and convict a fellowman for doing exactly what

has done and is doing! Where is the man in the United States today who doesn't drink or want to? And if he wants to badly enough he does. Juries refuse to convict for doing what they have done, and there are even Judges who refuse to fine and imprison for doing what they habitually do!"

WHEELER'S SPEECH IS READ

In introducing Mr. Wheeler Mr. Howe explained that the Anti-Saloon leader was suffering from a severe cold, and that as he wanted to save his voice for his closing speech, when he would dispute Mr. Darrow's arguments, F. Scott McBride would read his first speech, scheduled to take about thirty minutes.

The Chairman, in his introductory remarks, pointed out that Mr. Wheeler was born in 1869 in Brookfield, Ohio, "in a county which was as dry as dust," and that true to the traditions of the locality Mr. Wheeler has remained as dry ever since.

He said it was largely through the personality and initiative of Mr. Wheeler that the Eighteenth Amendment was finally enacted. Mr. McBride then read:

"I assume that no matter how much we may differ about the merits of prohibition, nevertheless as citizens of the United States, we believe:

"1. That every good citizen will obey the Constitution and let it be known that he is opposed to its violations by others.

"2. That those who are opposed to any part of the Constitution or the laws of the land have the right to join with others to bring about their amendment or repeal, but that until they are legally changed or repealed they should be obeyed and enforced.

"3. In determining what should be our course in framing the legislative policy of the nation, the public welfare should come before individual desires or selfish purposes. In our debate tonight we eliminate the discussion on the various kinds of prohibition, because my opponent holds that all kinds of prohibition of beverage liquor are bad. We also set aside the controversy as to its enforcement.

"Mr. Darrow openly advocates what few wets really believe, namely, that prohibition of the beverage liquor traffic is detrimental to the public welfare. Practically all the wets whom I have met—and I have met plenty of them—have felt that prohibition was detrimental to their thirsts, but few have confused that thirst with public welfare. The typical wet is opposed to all the restrictions on liquor, whether under license or prohibition. He finds fault with the definition of intoxicating liquor; urges legalizing beer and wine; talks about the virtues of Government control, but he doesn't really care about any of these things. What he does care about is more and stronger liquor. Mr. Darrow doesn't make those pleas.

"THE POOR MAN'S CLUB"

"When we were driving the saloon from the neighborhood of our homes, our churches and our factories, the typical wet pleaded that the saloon was the poor man's club. When we fought for local option, he opposed it as too local. When we fought for national prohibition, he opposed that as not local enough. He opposed State prohibition on the ground that the State had no right to force dry laws on wet cities, and now he urges State rights as an argument against a dry America. Any backward step was advocated by the wets as a

starting point toward the restoration of drink. This program Mr. Darrow accepts, but replaces the old arguments with his plea that prohibition itself is detrimental to society. What is there in the beverage liquor traffic that aids the safety, morals, health and welfare of the individual or the public?

"Intoxicating beverages have generally been admitted to be harmful to their users and to society. Intoxicating liquor contains alcohol, a narcotic, habit-forming drug or poison of which one can drink five ounces at once and live. Who are injured by this prohibition of the traffic in this recognized evil? Those who do not drink intoxicating liquor are not injured by such prohibition. Those who drink to excess and injure others dependent on them for support are not injured but benefited, as are their dependents also. Those who drink enough to undermine their health or decrease their wealth-producing power will not be injured.

"Who then will be injured or inconvenienced? The one who thinks he can drink moderately, or who desires to make money out of the business? Every moderate drinker runs the risk of becoming an excessive drinker, a risk that far outweighs the pleasure that comes from flirting with a dangerous habit. Surely no one would defend liquor solely that some one can make money out of it. Eliminate the non-drinkers, those who drink to excess when given the opportunity, those who drink moderately but are willing to give it up for the public good, and the remainder who demand the privilege to use intoxicating liquors regardless of the welfare of others is but a small minority. It is for the selfish desires and appetite of that minority that my opponent pleads, while I appeal to you

to safeguard the rights and benefits of the majority who desire the blessings of sobriety.

MORAL OUTCAST BEFORE DRY LAW

"The beverage liquor traffic has never had the standing in decent society which Mr. Darrow has unsuccessfully tried to give it for years. Booze was a social and moral outcast before the Eighteenth Amendment. Its best friends have always been apologetic about it. It was not named by its right name but given fine-sounding titles. It was King Alcohol—a name well chosen because he was the enemy to all that democracy stands for. All that poetry of language or that beauty of color could do was done to mask his real character, but under the fine names and the 'color that moveth itself aright in the cup' there was booze.

"Booze undermined the national health through a century until 13.9 persons out of each 1,000 died yearly. Over 200,000 of these deaths were needless. When booze was banished, with its plague-laden breath, the death rate dropped and 200,000 fewer graves were dug per year. Masquerading as medicine, hiding its wolf's fangs under sheep's clothing, booze hurried the tubercular or the pneumonia patient to the grave while he pretended to give them new life. Its death roll surpasses that of the War God.

"Surrounded by incomparable natural resources, with potential national wealth unequaled by any other nation, the increasing army of paupers and dependents created by booze became an intolerable burden on America.

"In spite of the blackness of its record, every effort was made to control booze without sentencing it to death. License, regulation, Government control, local option, dispensary sales,

county and State prohibition were attempted. Booze refused obedience to any of these laws. It invaded dry territory, ignored hours and days of closing, sold to minors, did everything which was forbidden.

"Economic law outlawed it; social law ostracized it; moral law excommunicated it. Statute law merely ratified what had already been written. National prohibition became imperative. The only alternative was slavery to the liquor traffic.

"The overwhelming majority of the American people responded to the challenge thrown down by booze. They wrote its outlawry so fully into the fundamental law of the land that it will probably never be repealed.

PROHIBITION PRINCIPLE SOUND

"Prohibition of the liquor traffic is based on sound principles of government. The first of these is the inherent right of the people to better their condition, in any unit of government, large or small, when a proper majority desires to do so and acts in a legal manner.

"The Public Health Department of New York City, in an official bulletin a few years ago, declared it useless to fight disease and crime if the chief cause was untouched, and declared that decreased drinking 'would mean less tuberculosis, less poverty, less dependency, less pressure on our hospitals, asylums and jails,'

"The records of every jail, prison, workhouse or other penal institution support the statement of the Supreme Court that 'the statistics of every State show a greater amount of crime and misery attributed to the use of ardent spirits obtained at these retail saloons than to any other source.'

"The menace of the beverage liquor traffic

to the health, morals and well-being of the people has been settled beyond controversy. Not only have temperance organizations, churches, women's groups and welfare movements declared this, but the verdict of science has affirmed it and the courts of last resort which faced these problems, not as partisans nor as wets or drys, but as unbiased, clear-sighted judges of facts, laws and principles of government have so ruled.

NO INHERENT RIGHT TO EXIST

"The next important principle established is that the beverage liquor traffic is so harmful in its influence and results that it has no inherent right to exist. If evils that destroyed the health and morals of the people had an inherent right to exist the same as things that promote the general welfare, civilization would collapse. The United States Supreme Court said (137 U. S. 86), after calling attention to the character of the liquor traffic:

" 'There is no inherent right in a citizen of a State or of the United States to sell intoxicating liquor.'

"This is not the obiter dictum of a fanatic. Liquor has always been treated differently from useful things. Even in New Jersey the court of last resort said this traffic was 'in a class by itself, to the treatment of which there was no analogy in the law.' Chief Justice White said that the exceptional nature of intoxicants was the basis for sustaining the exceptional legislation and furnished no precedent for applying such legislation to other things.

"No defender of beverage intoxicants can produce a single statement by a court of last resort declaring the liquor habit or traffic a good thing for the individual or for society, but

thousands of decisions agree in declaring it so vicious, corrupting, pauperizing, health-destroying that it stands in a unique position before the courts and the nation.

"The test of democratic government such as ours is, whether the majority will sustain these fundamental principles which make it possible for the Government to endure. Under our form of government, if the majority long maintains a wrong policy, the Government itself will eventually fail. Our forefathers took a chance in determining the form of government under which we live, making the supreme test whether the majority will rule rightly and successfully.

"That test was made needlessly difficult so long as alcohol was legalized. The liquor traffic was strongly intrenched. It relied on the support of approximately 25,000,000 drinkers who spent about two and a half billion dollars yearly for liquor.

ASSERTS MAJORITY FIXED POLICY

"With the rising tide of sentiment against intoxicating liquor, the appeal was made in the name of democracy to allow the majority of the people to determine whether or not they wanted the beverage liquor traffic in that community. This was done. Local option laws were passed for wards, precincts, counties and other subdivisions of the State. Little by little sentiment grew as the question was discussed until there were 2,475 counties out of 3,043 and 11,794 cities and municipalities out of 15,692 in the United States dry before national prohibition.

"The more the people discussed the question the more convinced they became that the beverage liquor traffic was a menace to public health and safety, and so the question of its

prohibition was submitted in many States under State referendum laws or by States' votes, so that twenty-five States were dry by a vote of the people before national prohibition.

"When we add to this the States which prohibited the beverage liquor traffic through action of the State Legislatures and the smaller local option units, we find that 95 percent of the territory of the nation was dry before national prohibition and that 68 percent of the people lived in that territory.

"All of this was simply a test of these two sound principles of Government. First, that the people had the right to adopt this prohibition policy whenever the majority desired to do so, and were convinced that it was for their welfare; and secondly, that both the Courts and the people became convinced that the beverage liquor traffic was such a menace to the health and morals of the people that it had no inherent right to exist. In other words, that the beverage liquor traffic was in a position of trespasser rather than that of an invited guest and whenever the majority wanted to tell it to move on, get out and stay out, it had to do so.

SEES ALL LAWS DEFIED

"This national progress in dealing with the liquor traffic in allowing the people to vote in local option units and States would have continued had it not been that the traffic is so unmindful of the public welfare and it defies all laws and tramples upon every rule of common decency in order to make larger dividends out of the vices and weaknesses of its victims. When 95 percent of the territory was dry, the liquor traffic in the small percentage of wet territory was not willing to continue its operations only where it could so legally. Liquor

was smuggled into the 95 percent of dry territory and the people there were denied the right to have their local and State laws enforced. Federal laws were enacted to make it unlawful to send liquor into dry territory, but not only the local but the Federal statutes were defied and the people in the exercise of their inherent right to protect themselves from social evils, were forced to choose between two alternatives: First, to surrender to the lawless traffic and allow their State and local laws to be defied, or to submit the question of prohibition to the entire nation by the legal methods provided in the Constitution and force the liquor traffic out of the 5 percent of territory still wet before the majority of the people in that fraction of the territory were fully prepared for it.

"This represented the greatest moral conflict in the history of the nation. It took two-thirds of both branches of Congress to submit the Eighteenth Amendment, and then the majority of both branches of the Legislatures of three-fourths of the States to ratify it. In other words, one more than one-third of a quorum in either branch of Congress could have prevented the people from having the question submitted to them for decision.

"Had not public sentiment been strong for national prohibition it never would have been ratified by the Legislatures of 46 out of 48 States. Fewer than 200 State Senators in 13 States could have prevented ratification, yet our opponents talk about minorities putting it over. If so, then a wet majority can extract it from the Constitution. It has always been the right of the people to change their Constitution by legal methods, but to attempt to

nullify the Constitution or defy it is anarchy. It is an attack upon the Constitution itself.

DECLARES SALOON WILL RETURN

"If the wets win in this fight the saloon will return. They started with 2 percent beer in Canada, now they have oceans of strong beer and Niagaras of whiskey and wine. When prohibition was halted in Quebec beer stock increased 1,000 per cent in value. When prohibition was killed in Ontario beer stock went up like a sky rocket. The saloon is today anathematized by most wets, yet it was lauded as the safest place in which to sell and drink liquor only a few years ago. After trying out all systems the saloon was acclaimed the solution. Here liquor could be controlled, children and women kept out—it was the poor man's club. What made the saloon a nuisance? It was not the bar fixtures, it was the beer and other intoxicants sold there. Now the wets want to legalize beer and other liquors that made the saloon a nuisance. A beer mug or a whiskey jug in any other place would smell as sour.

"This whole game is not to restore personal liberty to the masses but billions of dollars to the brewers and liquor dealers who are back of the effort to kill prohibition. Booze never benefited any one but the liquor dealer and the renter of liquor property.

"I propose the following questions for Mr. Darrow to answer:

"What kind of system do you propose for the regulation and control of liquor instead of prohibition?

"If the liquor traffic is detrimental to the public welfare and the purpose of the Government is to promote the general welfare, why

do the courts uniformly sustain prohibition laws on the ground they promote the general welfare?

"If the average man is a machine and is controlled by his heredity and his environment, why place the destiny of the race in the hands of those made more irresponsible by the use of liquor?

"If non-enforcement of the Eighteenth Amendment is advisable, as you argue, what logical objections would you offer to the nullification or non-enforcement of the rest of the Constitution?

"How can the prohibition or the decreased use of liquor be detrimental to the public welfare? The worst that can be said against prohibition is that it does not completely prohibit, that there are still people who drink liquor, and that all of the eveils are not eliminated. The remedy is not to open the liquor floodgates and drench the people in alcohol, but to enforce the laws better and urge obedience to the laws enacted to promote the general welfare instead of encouraging lawlessness. There will be no backward step on this question, self-determinationists to the contrary notwithstanding. The public weal is still dearer to the hearts of the people than the public bar.

"Good results have come in spite of the organized resistance to the enforcement of prohibition. Public drunkenness is rare; drink-caused crime has been greatly reduced; drink-caused poverty no longer drains millions in charity; alcoholism and alcoholic insanity are far below the license year average; drink no longer publicly tempts the weak but has become furtive; industrial accidents are fewer, the billions that once bought delirium tremens,

crime and poverty, now purchase homes, autos, insurance, travel, education, wholesome entertainment, bonds and stocks, with self-respect and happiness.

"The United States of America is headed in the right direction. The majority who believe in prohibition will 'carry on.'"

MR. DARROW'S REBUTTAL

Mr. Darrow then took up the rebuttal. He said:

"My friend Mr. Wheeler is a lawyer, general counsel of the Anti-Saloon League. He asked me why Judges have sustained the prohibition law if it isn't a good law. Well! Well! Well!

"It isn't for the courts to make law. They will sustain any law unless there is a direct violation of the Constitution, and I suppose Mr. Wheeler knows it. That the courts have said a prohibition law could be passed or not hasn't anything to do with the question of whether it is worth anything, and as to whether it is just a law or a piece of fanatical bunk.

"Does any Judge know anything more about whether prohibition is a good law than you or I know? Not a thing. So much for that.

"Now, let's see about another one. My friend the Pinch Hitter, read this, that it is the duty of every good citizen to obey every provision of the Constitution and the law. How long do you suppose you would live if you did?

"I undertake to say there isn't a man in the United States who does it or tries to do it. Not one. I am not going to camouflage this. Does Mr. Wheeler believe it? He knows better. Dare he go down among the Southern constituents and tell them to give the Negroes the rights that are guaranteed by at least three provisions?

"I tell you this, there isn't a man of the intelligence of an ordinary moron who doesn't know that people believe in enforcing only those laws that they believe in. For sixty years every Federal provision in reference to the constitutional rights of the Negroes and every law has been notoriously violated in every Southern prohibition State, and no prohibitionist dare raise his voice, and you daren't.

SAYS NEGROES CAN'T GET RIGHTS

"Let me tell you more. They are vitiated in very Northern State. Is there a Negro can get his constitutional rights in any Northern State? Can he get the best service in hotels, in restaurants, in theaters? Can he get the right the Constitution guarantees him anywhere now? And yet these prohibitionists talk about a man being an anarchist because forsooth he does not believe in the enforcement of some laws. They know better. What has the Constitution got to do with this case anyhow? Nothing.

"What about other laws? Any of you people know any laws that are violated? Of course, we all violate the prohibition law. Have you known anybody to stop drinking because of it? I have known them to start, but I never have known them to stop. How many of you have ever violated a Sunday law? If you had any honesty and any courage and any manhood, and you wanted to enjoy yourself on Sunday, you would go out and do it in spite of what some dead bigot said.

"How many of you lie about your taxes? Anybody? The only prohibitionist that tells the truth about his taxes is the man who hasn't any property. Whoever heard of a man return-

ing his personal property for taxation? Nobody did it, or ever will do it, or ever should do it—because nobody else does.

HIS VIEW ON LIBERTY

"He asked me whether, if I insist on my liberty to do a certain thing, what becomes of the liberty of the other fellow who tries to make me do it? Well, what do you know about that! Damn his liberty, that's what I say! If he can't get enough run for his money by minding his own business without interfering with mine, then let him get along without any fun, as he probably will.

"Whoever heard of the indictment before that has been read in this case against booze, as they call it? Now, I have attended temperance meetings since I was 5 years old. I began in the same county where my friend, Mr. Wheeler, did, an awful dry county. That county made him dry, but it made me wet. That is the way that the same kind of stuff worked on two different machines! But I never yet got so wet that I'd be in favor of passing a law compelling my friend Wayne Wheeler to take a drink. And I'll never let him pass a law that I'll obey if I can help it telling me I can't take a drink.

"Let me tell you something about criminal statutes. No statute can be enforced unless it has a very great majority in its favor. You can't get many men, as you will see by this audience, who can be browbeaten and coerced to do something that their consciences disapprove of. You can't get men to convict other men when they know that the man who is on trial did the act without any consciousness of guilt. Can you?

LAW BORN IN BIGOTRY

"Because a few fanatics want to control me in my personal habits, can they get a jury to convict me if they do exactly the same thing themselves or want to do it? Not so long as we are free people, at least, they couldn't do it while we were free people. And they never will do it with the American people, for all this pettifogging because we won't obey the laws. A law born in bigotry, nurtured by intolerance and lies, preached about until people believed it, that law will not be obeyed by independent men.

"We are told of a list of things that liquor has done. What do you know about that. It made people poor. How do you know? What is the matter with automobiles? They cost ten to one of liquor. What is the matter with tobacco—five to one. Why pick out of the money that a man spends the amount he spends for beer and say that this made him poor in place of the infinite number of things he spends his money for? Bunk! And the whole campaign waged for a hundred years has been bunk, and religious bunk at that.

"Is there more crime now or then? Has crime increased or diminished since prohibition? Are the jails decreasing in population? No. Unfortunately they are not. They are increasing. Hasn't had a thing to do with it.

"Who have been the scientists? The prohibitionists? Oh, no! The witch-burners have been prohibitionists. They did not want any fun on earth because it would spoil their chances of getting to heaven. The broad, the tolerant, the wise, the humane have let other people at least go their own way. I know there are a lot of fool people who drink too much.

They used to be 'soused' in the old days, more of them now. I know it. I know a lot of dry fellows, dryer than a bone, who eat too much. I don't like a drunkard. I don't like the fellows who do too much of anything; even work. But if I had my choice between being a drunkard and a glutton I would be a drunkard."

MR. WHEELER ANSWERS

Mr. Wheeler then spoke in rebuttal as follows:

"I always like to debate with Mr. Darrow, because he says in such a unique way what the wets like to hear, and I like to have them get the enjoyment out of the argument because in this prohibition fight that is about all that they are getting these days when the majority of the American people decide this question.

"The second thing that I want to say is that I agree with what your distinguished Chief Executive said with reference to your duty as citizens to enforce laws. That is a good doctrine for New Yorkers to follow. But the American people will follow the suggestion of your Chief Executive with reference to enforcing law rather than our distinguished brother who comes from Chicago. Second, I agree with your Mayor when he said that prohibition would be a good thing if we had it. Now, stop and think what that means. What is our question tonight? The prohibition of the beverage liquor traffic is detrimental to the public welfare. Now, we are arguing and going on the theory there is prohibition of the beverage or liquor traffic. Now he concedes that if there is that prohibition, then it might be a good thing and he would follow it. If he will come

out to the great West and south and central sections of this country he will find where the majority of electorate live that they have that prohibition well enough to believe in it, and they are going to hold on to it.

CALLS APPEAL TOO LATE

"Mr. Darrow's appeal tonight it a little unfortunate in this respect—it comes pretty late. Appeals have been denied since the death of John Barleycorn by scores of groups and special pleaders that he was not fairly convicted.

"But he has neither gotten his case reopened nor has he made any impression upon anybody that had jurisdiction to open that case. It reminds you a good deal of what is now facetiously proposed over in Greece, that they open the case over there about the trial and the death of Socrates; but 'Soc' has been dead 2,000 years, and that appeal comes so late that it is not going to do him any good; and he can't find any court over there that has jurisdiction for the case. So, in this instance, there is no new evidence that has been presented since we argued this case to the greatest jury that ever sat in judgment upon any case in the world—the American people; and they won that verdict fairly, and if, as my opponent says, 6,000,000 people can prevent any change in the Constitution, why did he not get them together and keep us from putting the Eighteenth Amendment into the Constitution of the United States? All he had to do was to get his one man out of nineteen, for, remember, 6,000,000 is about one-nineteenth of the people of this country, and if that one-nineteenth, according to his theory, can prevent the change, and they were notified as to their power to do it,

and we fought it out in the districts, Congressional districts, in the Senatorial fights in the States, and all down along the line, and if he could not get that one out of nineteen he is coming in with a mighty poor claim, now that the majority weren't in power in this country to put it over.

"They were for it from the beginning and they are going to fight for it by every honorable method until it is repealed by a legitimate majority in this country.

"Let's keep good-natured about this thing and if you have got the argument you will win, but you can't win by trying to say you will do things in violation of the Constitution of the laws of our country.

ASSAILS THE SALOON

"Mr. Darrow pictures a place where liquor is sold and consumed in a way that it would make the mouth of a thirsty man just water, but stop and think what that place is. It was the saloon, the institution that wrecked the theory that he wants to bring back today. We tried in this country every method that there was for trying to reduce or eliminate the evils of the liquor traffic. The people came to the conclusion that if there was any place where liquor could be sold safely it would be in a saloon. Now, what happens?

"After they had tried all those and come to this the saloon was abolished. Do you know of a wet organization today that is willing to go before the American people and say, 'We are for the return of the saloon?' [Shouts of "Yes" from the auditorium.]

"Name it! Every wet organization has in its literature against the return of the saloon,

but they want wine or beer or something else. They are all against it.

CITES WORKING OF LAW HERE

"Let's take your own city here. Your city is under less control from the standpoint of the Constitution than most cities of the United States. Why? You have no State code here to help enforce. Right here in your city where you have a population that is now just about even with London and in London where they have the ideal system over there so that you can get liquor moderately and all be sober and happy, and what happened last year? There were three times as many arrests for drunkenness as there were in New York.

"It shows this: That when you prohibit the traffic, while you may not get a 100 percent result from it, in places where they do not enforce the law, yet you get good results just in proportion as the law is obeyed and enforced in that community.

"Now then, my friends, I thought we could get to an issue on this tonight, a little better by asking these questions. We asked him to tell what kind of theory he had for controlling the liquor traffic. Did he answer it? No, he did not.

"You can't depend upon letting each individual be his own court as a final resort in determining what he is going to do. If there is only one man or woman on earth you could do that. But when others come into being you have got to have some respect for their rights. He told you here that he'd rather die a drunkard than a glutton. Well, now, I'd rather not die either way as far as I'm concerned. Did you ever hear of a man eating so much pie

or cake or anything of that kind that he'd go home and shoot up the family?

"He tells us that he is against this authority on the part of the Government, interfering in any way with what he wants to do. I want to say to you that is the theory of the man who is defying the law and who has to face the courts every day for violation of it.

SAYS MAJORITY BELIEVE IN LAW

"He asks us if we have a right to make a thing criminal—that they do not believe it. The majority of the people of the United States do believe in this law. That is the reason why we have got it."

Mr. Wheeler here took up Mr. Darrow's argument which alleged Negroes were unable to get their constitutional rights. He said many such laws passed in the South had been declared unconstitutional. He said he was for enforcement of every part of the Constitution and that practically every person back of the Eighteenth Amendment took the same stand. He asserted that was his theory as to the Eighteenth Amendment and continued:

"Now then about the questions that we tried to get Mr. Darrow to answer. When he came to them he did not take a single question that appertained to them. He tried to juggle some of them but did not take a single one of them and answer it fairly and didn't even state the question. Take the last one, the non-enforcement of the Eighteenth Amendment is justifiable because you don't like that kind of a law and then by that same token why can't we just wipe them all out and just run this country without any law at all?

"He tells us here that the personal liberty

of the individual is the big thing. Well, it is a big thing but you can't have that personal liberty unless you are willing to grant that the other individual has the same right to protect his personal liberty. And if you are going to have liberty in a country and the only kind we have under the Constitution and the kind we have under the Constitution is liberty under law. We stand for it; we will fight for it; and we will win in the future for it.

MR. DARROW CLOSES DEBATE

Mr. Darrow had ten minutes to close the debate. He said:

"I will endeavor to answer Mr. Wheeler's questions which I omitted before. I answered one of them and there are two which I did not.

"He says, if you can violate one law why not another? Well, let's see. It is a criminal statute. Unless nine-tenths of the people believe in a criminal law statute you can't enforce it. It is not simply whether a majority is best. But it must have behind it such a feeling that the man who does the act, if guilty, that the public will enforce it.

"Let's compare it. He says if you won't obey one law you won't obey another. Suppose the question were put to the people of the United States that the law of murder—there isn't one out of 10,000 wouldn't be in favor of the law. Would there be any minority that would possibly violate it? Suppose larceny—not one out of 10,000. Robbery, and one of the ordinary crimes, are supported almost unanimously by the people and they cannot be changed or repealed. The public nullifies a law and always will nullify a law so long as they have any sense of individual freedom

left in them when that law is not sustained by the public opinion of a large majority of the people. That is all there is to it. When people are so browbeaten and degraded and cowardly that bigots can enforce a law upon them, it is about time they shut up shop, and that is all there is to it.

FAVORS ANYTHING ELSE

"He asked me what I would have in place of what we have. Anything. I will modify this. I would have anything except prohibition. I would have Government dispensaries or license laws or many other things that I could think of if I wanted to give the time to it. The question is about this infernal law which has been condemned by almost all the people of the United States. He says if 6,000,000 people could prevent the repeal of a Constitutional provision, why can't you prevent? Let's see how smart this is. I have observed this audience. There are about a half dozen people who applaud everything my friend says, and they applaud that fool thing, I will tell you why.

The 6,000,000 are in States like Arizona, Nevada, New Mexico, Georgia, Alabama, Vermont, North Carolina, South Carolina—dry and nothing but dry. We can't get them and won't try. There are more people in New York State than the whole bunch that could prevent the repeal of the amendment. Let me give you another answer to it and see what you think of it. If the people have any right to pass this rotten legislation, they should have the right to repeal it. People change their minds, where they have any, and where they haven't they change them more frequently. I have seen towns go wet one year and dry the next.

I have seen Canada go all dry and now practically all wet. I have seen the change in the United States until the people who believe in that accursed legislation have one thing and one thing only to rely upon, and that is they can find 6,000,000 people to prevent the repeal of the Constitution and can cajole the people of the United States into the idea that they must have prohibition. That is what they are up against today.

CHANGE IN PUBLIC OPINION

"Is there any reader of current history, is there any man who knows anything about the feeling of the people of the United States, who doesn't know there has been an enormous change in public opinion since that prohibition law has been tried? It has made hypocrites, perjurers, bribe-takers, informers, and it appeals to everything that is the lowest in man. It is the accursed thing in every human relation, and to say that this country, strong and great, cannot get rid of it because of the constitutional amendment, where 6,000,000 people keep it on the books, is to say we are a nation of blooming idiots and weaklings.

"I am surprised at my friend's quibble over the Negro amendment. Just think of it. When a man is a prohibitionist, there isn't another question under heaven except wet and dry. Everybody knows there hasn't been a minute since the slavery amendments have been passed that they haven't been violated in every State of the South and some of the States of the North, yet when they get a prohibitionist to condemn it it is all right. They are dry and that will give them a medal on earth and wings in heaven. I wish they would go and take them."

CLARENCE S. DARROW

PROF. FREDERICK STARR

Darrow-Starr Debate

"Is the Human Race Getting Anywhere?"

gift of Jo Labadie

6752

Darrow-Starr Debate

"Is the Human Race Getting Anywhere?"

PROFESSOR FREDERICK STARR - YES
MR. CLARENCE S. DARROW - - - NO

Chairman: MR. ARTHUR M. LEWIS

Under the Auspices of
"THE WORKERS' UNIVERSITY SOCIETY"

Sunday Afternoon, Febuary 8, 1920, 3 O,Clock
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Is the Human Race Getting Anywhere?

Mr. Lewis: Professor Starr has been of very great value to this Society, and now that I have been ill and convalescing so slowly, his services here are absolutely indispensible. The Society has been the richer for listening to his lectures, and I think I have always contended, with perfect justification, that Professor Starr is the greatest living anthropologist. I don't know that science as well as he knows it, but I know it well enough to make that statement.

The subject of the afternoon, the question for debate, is, as you all know, "Is the Human Race Getting Anywhere." Professor Starr will take the affirmative of that question in a speech of twenty-five minutes, to be replied to by Mr. Darrow in a speech of forty; after which Professor Starr will have twenty, and Mr. Darrow twenty, and Professor Starr will close the debate in a speech of fifteen minutes. This is the time arranged between the two combatants. And I will now ask our good friend Professor Frederick Starr to open the discussion.

Professor Starr: I have no idea how near I shall come to observing the time arrangements that have been agreed upon. I know this, that neither Mr. Darrow nor Mr. Lewis will interrupt me, if I should overrun my time. I confess that I feel somewhat at a loss in appearing in a debate of this kind anyway, because all my training has been away from the presentation of a side, from the partisian idea. The scientific man is, through all his discipline, subjected to the idea that he must present every side with equal fullness, and it is a difficult thing indeed for me to come before you and present one side of a subject, especially a subject so interesting as this that is before us. That is what I am expected to do. I have less regret in doing so than I might have were I not sure that Mr. Darrow will find everything that is to be said on the other side. So that there is no danger that it will not be adequately presented.

I want first of all to call your attention to a rather interesting fact that bears upon this subject; I want to call your attention to the three men who have appealed to you from this platform. I want to call your attention to Mr. Lewis, first. Arthur M. Lewis is well known for his interest in astronomy. That is

his stronghold. Astronomy is where he shines and is strong. In his lectures on the spectrescope, the moon and the sun, nobody, I believe can outdo him. But that is not the point. The point is this: Mr. Lewis' interest in astronomy, is progress, is evolution, is development—don't you see? He deals with specific things, he deals with matter, but he is not interested in dead matter. However tenuous, however widespread, however quiescent, is it dead matter that Mr. Lewis is interested in? No. It is matter when it begins to move. It is matter when it gets to forming something. It is an evolution that he follows. He takes that matter that was distributed so tenuously through space, and he follows it through its evolution in one form or another, through the whirling nebula into some planetary form —or the great sun, or the moon. See what it is? It is dynamic, and it is dynamic going somewhere, all the way through. Notice that matter. It is there just as much when he gets through with that splendid evolution as it was when he began. Just as much of it there. Just as inert in itself, and just as quiet, just as tenuous. But his interest is not in the dead matter, it is in the movement, it is in the development, it is in that splendid series of thoughts that one gains when he stands in the presence of those majestic, heavenly bodies, sweeping so regularly through the heavens. Is that progress? Is that getting anywhere?

Now, here in the same way is Clarence Darrow. Mr. Darrow tells us, on every possible occasion, of his deep interest in biology. Well now, you all know what biology is. Biology is the science of life. There was some time in the history of the universe when life appeared on this planet. I don't know just when; he does not know just when; no one knows just when, nor how, nor where, life first appeared upon this earth; but life appeared, and no doubt it came first in very simple, very low, poor forms. I have no doubt that we have plenty of just such poor, simple forms yet living, in other words, unicellular. Unicellular beings are as plenty today as they ever were; but do you think Clarence Darrow's interest in biology is confined to those simple forms? Do you think that he spends his time only in thinking of the moment and the place and the way in which life first appeared? Nothing of the kind. His interest in biology is in development, in growth, in evolution, in the way in which the simple becomes complex; in the way in which those poor, mean, miserable unicellular forms came to be something. Yes, he is interested in biology because it is progress; because it is an evolution; because there is a getting somewhere. He would not be content to be interested in poor beginnings, never.

Neither am I. I am interested in anthropology. There

was a time in the history of the world, when man appeared upon the earth. Pretty poor kind of man he was; didn't know much about himself. Perhaps he was not even self-conscious. Probably he did not know what part he was playing. He knew some things as other animals know some things, yes; but he went forward. Of course, he went forward. Do you think I am interested in knowing only just when man began, and what poor, miserable, beginning-man was like? Why no. It is man as he evolves, man who develops, man who comes from one step to another, higher and higher until finally he belts the world with his system of transportation; he annihilated space and time; he conquers and harnesses the powers of nature. It is that evolution that interests me. I would be no more interested in focusing my attention upon the poor, miserable beginning-man than he would on unicellular forms,—or than Lewis would on dead and inert matter. No, it is the fact of progress; it is the fact of evolution; it is the fact of development; it is the fact of growing complexity out of simplicity that interests us and every man. You know it is just the same way with every man, woman and child in this building. You have all of you something that you are interested in. Of course you have, everyone of you. How glad I am that they are different things. Wouldn't it be a dreadful earth if we were all interested in one thing and nothing else? It would be unbearable, absolutely. Lewis sometimes finds fault with people who like art—I mean Darrow does; Lewis never does. Lewis never finds fault with anybody who likes anything. But Darrow sometimes pretends that he despises the man who loves art. Think of it. You know that it takes all kind of men to make a world, and the man who loves art has just as much business in life and just as much right to be here as the man who is so devoted to biology.

Now, notice this fact. Each one of you is interested in the thing that interests you as a live thing. You are interested in it because it is moving. You may think that things are pretty bad, indeed, you may be interested from the point of view of reformation; from the point of view of putting the push into things; from the point of view of elevating and helping people. That may be your object. But, whatever you are interested in, you are interested in it from the point of view of evolution, from the point of view of progress, from the point of view of getting somewhere; and you know well that there is a possibility of progress; you know well that there is a possibility of development; or else you could not ever be interested in the thing that you are interested in.

Well, that is a fundamental proposition which I think it is just as well to have laid down here at the very beginning. Now,

let us make it somewhat concrete. Let me call your attention to the question, whether in this society as we know it, and in this world in which we live, there have been progress and development and there is reason to look for progress and development in the future. Many of the most important things that man ever did, many of the greatest inventions that he ever made, many of the most important discoveries that he has found, are so simple that we look back upon them as if they had always been part of our equipment.

For instance, take a single thing—take the discovery of fire, the learning of its uses, the taming of it, the employment of it in different ways, to add to man's comfort or protection or pleasure. Fire! the discovery of fire, the learning how to make fires! Why, I have a whole lecture on the subject that I do not ever expect to give here, so I am quite free to tell you it. I have a lecture on the subject of fire, and of the value of fire to mankind. Its influence in human life, its effect on society cannot be overstated.

Well now, we are so used to those great discoveries that were made by some men anciently, that were taken over into daily life, that were practiced continuously ever since, and that are still in use among us, that we forget what they mean; we forget their importance, their significance. I want you to realize that we have in our society and in our daily life, a thousand acquisitions from the distant past that were the result of men who thought and lived and acted in those older days, and I want you to realize that a really useful thing, after it has once gained use, usually stays. After they once controlled fire, after they once learned its real uses, men the world over knew how to make fire and to keep fire and to use it in one and a hundred ways.

We have in our life, many things, thousands of things that have been accumulated through the ages, through the activities of so many different, forgotten men. And, talk about our not having made any progress! Our everyday life is based on acquisitions made through the centuries and milleniums by our unnamed ancestors.

Of course, we have also many things we can put our finger on and say from whence we got them. Have we progressed? Look at our culture and see whether we have progressed. See whether we have beautiful things, valuable things, helpful things, that have come to us from one or another of the old civilizations of the past. One of the oldest, is that great culture that used to exist between the rivers in Mesopotamia. I have often thought that if I were a real young man and had my life to live over again and knew anything like what I know now, that I would go to Mesopotamia to live. It is one of the

great districts of the world. They have had culture after culture in Mesopotamia. In those days, those old men were interested in measuring time; they were interested in marking out circles; they were interested in dividing circles. Sixty seconds make a minute; sixty minutes make an hour; twenty-four hours make a day; twelve signs or three hundred and sixty degrees make the circle. All this useful knowledge comes to us from Mesopotamia.

Mr. Darrow will ask you the utility of knowing all these things. But you know we could not get along without them. Don't let him fool you by asking you. I see you understand, so there is no need of my saying any more along that line. Well, now, we have that from Mesopotamia. What of our splendid means of knowing all the great thought of the past? What of the art thereof by which the present and the future will know what we are thinking—the art of writing? You know, the future would be poorer if it did not read of the splendid efforts of my opponent, at different times. We can transmit the record only because in Egypt they learned to write. From Egypt there went out the knowledge of letters, of the alphabet, the thing that has made us to know what the past has thought, the thing that carries on the thought of the present into the future. Great achievements! Even Clarence Darrow realizes that that is something. Oh, hear him talk about the beautiful thought of one writer and another! There is no man more appreciative of fine things that have been achieved than he is, only he is ashamed to say so.

There was Greece. Greece made its contribution, and that was that much despised, artistic contribution. Ah, but it was something to build such wondrous buildings as the old Greeks erected. It was something to give those splendid lines in architecture; it was something to give those ideas of pure form in decoration; it was something to give such ideals of sculpture and of painting as the old Greeks gave us. It was something to give those splendid tragedies; those wonderful theatrical and dramatic performances, all preserved to us through the medium of Egyptian letters.

And Rome? Why, yes, Rome gave us system, strength, and government and law. Why, we are the heirs of all the ages! A quotation by the way; not an original statement on my part—but, we are the heirs of all the ages, and we have the fine things that the Mesopotamians developed, that the Egyptians invented, that the Greeks created, and that Rome devised, and yet there are people who question whether there is such a thing as progress!

Well, now, if we have been the heir of all the ages, it is worth while to ask whether we have ourselves contributed any-

thing. What have we done for the future? What contribution have we made to help the world advance? Our achievement is really an extraordinary one, and it is to a certain extent new. It is true that the civilization which has been developed during the last three hundred years, differs strikingly at least in degree from any civilization that ever preceded it in the way that it has learned to know the forces of nature and to control and direct them to useful ends.

In other words, we have been living in a period when our greatest achievement has been in the direction of the control of material forces; when our greatest attainment has been in the line of physical and material science. It has been an age of thought distinctly materialistic, blossoming into a period of absolutely mechanical invention and development of machinery. . You know how rapid that development has been. I am not an old man, but I was a well-grown boy before there was such a thing as a telephone; and not very far back of that was the telegraph. I told Mr. Darrow before we came in here that I had not engaged in a public discussion since I was seventeen years old. That is really true. And when I was seventeen years old we used to discuss such things as "Is it possible to have a horseless carriage?" We decided it was not possible. We demonstrated definitely that there were frictions and inertias and things of that kind which could not possibly be overcome. We were all satisfied. Then we debated questions about whether there was utility in baloons and the efforts to fly. We had a funny poem in those days, about a man named Green and his flying machine and his name Green was suggestive of his natural verdancy in thinking of such a thing as a flying machine. You have seen what changes have taken place; today flying has become almost a controllable thing. We have made our contributions, yes; we have made our contribution, the beauty of which some people do not see. We have made a contribution which some people feel has taken all the joy out of life. There are those that think—that materialistic science, that this inventive age, this age of mechanism, that this control of natural forces has crushed out much that was finest and best in humanity. And there are many people who do not look upon it as an unmixed blessing. But, it is a contribution, yes, it is a great contribution. And proof of it will remain, when we are gone and our names are forgotten, when we have given place to new generations; there will be something left of this marvelous period with its Edisons and Morses and other great inventors and discoverers. We will be a genuine contribution to the world. It will be in the question of helpfulness and progress, and life will be better

and stronger and happier and the world will be upon the whole advanced by these things.

So I make the second point: That we, ourselves, live in a time, when all that we have is due to the ages that went before, with a little increment which we, ourselves, have added.

Now, I want to define civilization. I am not going to give you the anthropologic definition which I failed to give you last week. I received a wail last week that I did not state what it is that constitutes civilization. I meant to do it; but I did not. I am not going to give that definition today; but I am going to give you this definition:

Civilization is the adjustment of the individual to living in a crowd. You get the idea? That really is what civilization is, the adjustment of the individual to living in a crowd. And if mankind prospers, and develops biologically, and is not a failure, we have got to live in a crowd from now on. The world becomes more and more crowded, and civilization becomes more and more necessary as the adaptation of the individual to live in a crowd. In other words, do not think for a moment that civilization is a thing that is going to disappear. No, no, civilization in its true sense is a thing which must be, because the crowd is here, the crowd is coming, the world is full, it is getting fuller, and every human individual must adjust himself to that mass in which he lives or else he is crushed and dies.

That is what civilization is. That is what we must look at, for only as the individual becomes adjusted, developed, as he becomes more complex in his interests and in his contacts, that progress is made.

I want to call your attention, as of course, he will presently and I am willing to leave the details of it in his hands, because he will do it perfectly indeed, to the course of civilization in the past. I have spoken of civilizations that have existed and that have made some contribution upon which we have drawn. Now, let us see what the course of such civilizations have been.

There were those Mesopotamian civilizations. Not one, but three of them, one after the other. They grew up, splendid developments and complex; wonderful inventions, great discoveries, vast refinement, much luxury! Then, they fell, one after the other. Persia rose and fell, and Egypt rose and fell, and Greece rose and fell, and Rome rose and fell. Well, what of it? The mere fact that they fell did not set back the world. Every time that one of those great civilizations fell—that is, culminated and began to grow down hill,—there was always a population ready, some vital, vigorous, fresh, new-blooded population, to seize the falling torch and carry it on. Civilization has never disappeared from the hour it was first

developed on the globe, until the present day. It has never disappeared.

Civilization once here, has simply changed its place; simply changed the population among whom it showed itself. In every case civilizations have passed on the torch to those who came after them.

I have wondered a good deal about the future in this matter of civilization. I have often wondered who was to catch the torch when this civilization should have culminated and, then should go to ruin. For I have predicted for many years that our materialistic civilization would end. I believe it firmly. I think the moment is near. I think we are living in the very crisis of the civilization that you and I have seen. I am by no means sure that we are going to get through that crisis and retain civilization.

A few years ago I felt certain that we would not, and I see very little in the present situation to assure me that we are to retain the civilization of which we have been so proud and for which we have tried to do so little.

Well, what reason do I have for doubting whether there is a future for our civilization? Do not misunderstand me. I am not arguing for Mr. Darrow. I am only getting ready for him to go on from the point where I leave off. This is a moment of crisis; this hour is the most discouraging hour that we have seen in our lifetime. This is a serious question, whether our civilization can stand or whether it must pass. Always heretofore, there has been, as I say, some fresh, vigorous, new-blooded population that could catch the torch and go on with it to even higher things. There was a time when I used to hope and believe that there might be some young nation in the far east, who would seize the torch from our hands before the blaze expired. But, the world has shrunken; the world has shrunken. This materialist victory I have spoken of is very real.

It is hard to find a population but what has the virus of our disease. I look in vain for the nation which, I hoped, might be ready to seize the dying torch, and lifting it up into a fresher oxygenated air, advance to higher things. I used to hope for such a nation. Now, you are waiting to hear Mr. Darrow, and I purposely have led up to this point. I do not think he could have a better place to begin than here.

The Chairman: That is like paving the way for the opponent. If you will watch our program, I will let you know when we are going to have that lecture on fire on this stage. Mr. Darrow will now reply.

Mr. Darrow: Professor Starr is so much like my old time friend and antagonist whom I still am mourning, Professor Foster, that it makes my side easier. He is not a lawyer; he is a college professor, and is honest. It is impossible for him to put his side of the question without pretty well putting my side too. Of course, I have an advantage. I can put my side without putting his. I am aware though, that this advantage is more than overcome by his superior learning in those things that are important in a discussion of this kind.

I am not here to discuss whether man is better and higher than the Ameba. I could not discuss that for I really do not know. Of course, man has more legs to—get the gout in and he has a bigger stomach—to be diseased, and he has a bigger brain—for the home of more false theories. Most of these questions get us back to another question, "What is it all about anyhow, and what do we mean by getting anywhere?" The Ameba has one advantage over us, if it is an advantage, the Ameba is endowed with immortal life. I am not saying that this is an advantage; neither does the Ameba have to work so hard. Whether his simple organism is better than the complex organism that is given to man, I don't know. I have to ask myself, "better for what?" Then, I am lost, as I fancy anybody else is lost. The Ameba can't construct words as man can, and he does not need them. Probably man does not either, but that is not the question. The question is, "Is the Human Race Getting Anywhere?" not whether the Ameba is or not.

If the human race is higher, which we will assume, to save trouble—then is this higher race getting anywhere, and if so, where?

I did not know that I had such an antipathy towards art. In fact, I thought I was some artist myself. I am rather fond of art; the world has lost a large part of what art it once had. We have abandoned art to make money, which to me is not a sign of progress. If I did not believe in art, I might think that steam engines were better than pictures or sculpture, but I don't think so. I suppose there is a certain value in measuring the seconds and the hours and the weeks and the years. It gives you a chance to know about when you are going to die.

Really, I am unable to say what are the valuable things in life. I used to think the main thing was to have property evenly divided. I am now uncertain about that. I used to think if we could get property evenly divided, we could get brains evenly divided. I am sure now we could not, and if we could nobody would have very much to boast of. The

trouble with all these questions is to get a starting point. What is life for?

No one can answer that question. I am sure of it, because I cannot answer it myself. If we can not answer that we may then ask the question: What are we to do with life now that we have it thrust upon us, in this case we are not very much better off. My own idea is that on the whole, the life is the most tolerable which has the greatest measure of pleasurable emotions against painful ones. Some people might say that life is to gather wisdom. But, I don't know what we are to do with our wisdom. I have been gathering it all my life, and I don't know what to do with it now that I have it. Or, is it to build steam engines? What for? Suppose these produced painful emotions instead of pleasant ones? Is it to make guns? What for Or, to make flying machines, so we can use them in wars? There is no starting point. But, that never discourages me. I see in life, just what the Professor showed us in the end, a continual coming and going. One civilization or one set of ideas, taking the place of another. Nations growing civilized, as he calls it, so they can get along with each other, and then killing each other.

I see it in the Persians, creating what was a great civilization, and then in that civilization being destroyed. I see it in the Greeks, and the Romans, creating what in many ways, was a great civilization, and then going to pieces, utterly destroyed. And, generally, by what and by whom? Generally by some primitive people who are living close to the foundation of nature, close to the earth and air, and the sunlight, who have not the seeds of disease and disintegration, which a civilization plants in all human kind.

I see no beneficient power in evolution. I see no beneficent power in the universe which says that of necessity man shall get better or higher, or what to me is more important, happier. I see with human life what I see with the ocean, an everlasting ebb and flow; the flow pretty clearly marked and the ebb pretty clearly marked; marked by an inexorable nature. Nothing that man can change, and the more he tries to change it, the sooner he dies.

We all protest the cruelty of nature. And, yet, if we live, we must live the abject slave of this unfeeling monster which we call nature, she, to my mind has fixed the limits of man and fixed them absolutely.

Civilization, as the Professor says, is the faculty of living together, and he likewise says that the world is getting more crowded every day. So, sooner or later we will have to turn to and cut each others throats, because there won't be room

for us, and ever since the world began we have been doing this so the more you are civilized, the more the necessity of cutting your neighbor's throat.

Assume we have reached man in animal life, and that man is the highest organism that the earth has ever known. Perhaps he is. Then, what about this "human race?" Is it getting anywhere, and if so, where? If I were to ask you the question as to whether the ants and the bees are getting anywhere, you would probably say no. The ant and the bee takes just as good care to see that its species is perpetuated as man does; and nature seems to be interested in one thing, and that is the preservation of life.

At a certain stage the ant and bee were evolved and the types became fixed. I fancy there will be no dispute about that. The ant and bee today can do nothing that their ancestors could not do, when the first ant and first bee no doubt proclaimed to each other the wonders of the ant and bee creation. They cannot get beyond their structure. It is fixed. The same thing, I take it, is true, of all other animal structures. You can develop nothing from a cow, but a cow. You may put more fat on it so it will be more desirable to eat, but you can make nothing out of it but a cow; any amount of fat that you put on is limited, because too much fat will kill it, just as it kills civilization. The species is fixed.

Nature we will say, by some mutation, produces the ape and the monkey, and when these were produced, it got through with that job. There are some monkeys that weigh more than others, and some that can chatter louder, just the same as there are some of us debaters that can talk louder and longer than others. But, the ape and monkey business is finished. I suppose that even a socialist would not care to go to the apes to teach socialism. He would think he was wasting time. The ape hasn't the stuff in him. He is finished. Assume that by a twist of evolution, that man came into being.

Is man different from the ant and bee and the cow and the ape? Of course the theologian says he is different, because the Almighty made his body and then planted in him a soul; but the scientist cannot find the soul. The doctors have dissected men, and they cannot find it; and the grocers have weighed the dead men and the living, and they cannot find it; and the evolutionist and the scientist have pretty much come to the conclusion that he was made just as the ape was made and the ant was made and is purely a natural product, in fact, a machine. Man, as I take it, is finished.

I am not saying that some day on account of a change of climate or some mysterious turn of nature, some higher spe-

cies might not appear upon the earth. I can not tell and I never will know. Perhaps some day the superman will be born, but if he is, he will be like the ape and the monkey and the ant and the bee,—he will be fixed. When the superman comes, if he does, what about the "human race?" Why, the superman will treat the human race as horses, to be slaves, or as hogs, to be eaten, to feed the superman. Man's stature is fixed, according to all the laws of biology, you spoke of. According to all we know of life, according to all we know of nature which is heartless and cruel, and has no interest in anything—except to fix the contrivance up so that life will persist. Although you are not sure of that. In two or three different periods in the last two hundred thousand years, the ice age has swept down upon the earth and destroyed any amount of living species, men with the rest; not entirely, but in many localities.

Now, what is man? He has a clear history. You can tell what man came from and how much he will come to, just as much as you can tell what will happen to an egg if a hen sits on it. Some hens may be bigger than others, and noisier, and some foolisher, but they won't be much bigger, or much noiser or much foolisher; could not be. And it has been true since the first hen, or the first egg, whichever came first—and we will not settle that, either.

Man has a plain history. A germ is fertilized and he is built cell on cell, and you know how big he will be and what size his brain will be, and about when he will die. Of course, he may be a little bigger or a little smaller, but not very much larger or very much smaller. The biggest brain that any intelligent person ever had, as I recall it, and I asked the Professor here, before he came on the stand, to make sure of it—the biggest brain was sixty-four ounces. If you get up to sixty-six it makes an idiot. So you can't get it any bigger, so far as experience shows, and sixty-four was a mighty close shave. Of course, you can make an idiot with a great deal smaller brain; I have known lots of them. But, when you get above that it is sure to be one. So, what are you going to do?

To hear some of these people talk who believe in eternal progress—that is the eternal progress of the "human race," you would think that some time a man was to have a brain as high as the Masonic Temple; but he is not, and if he did, he must have legs, and a stomach to match, and all the rest of the machinery to go with it, or he would be lost. He is fixed. And he has probably been fixed for tens of thousands of years. Not only is it impossible to change his brain but his brain and its action depends on his stomach and lungs and his legs, and he must keep up the balance. A man buys an

automobile and stops running and cannot digest his food, so he dies. Of course, the surgeons work on him awhile, but they cannot keep him alive forever, because he is out of balance, any more than you can keep an ape living in a cage. He is a part of nature, and he must live with her, or he dies. His brain is fixed; his whole structure is fixed, and if we can learn anything from other animal life and from life, it is impossible to change it.

Of course, he may turn his brain in one direction or another. He may go a certain distance in one direction or another, but if he goes east, he cannot go west; and if he goes north, he cannot go south; and if he takes up mechanics, he will probably lose art and the things that are the most worth while for man.

Now, I fancy that Professor Starr would have an easy time to prove that we have more railroads and taller buildings and larger cities now than there where a hundred thousand years ago, or even six thousand years ago, when perhaps the written history of the human race began. He would have an easy time to prove that so-called civilized people have more thickly inhabited cities or more mechanical devices or more money than the savages in Africa. That is easy. But he might have a very much harder time to prove that man is intrinsically stronger, and a still harder time to prove that he is happier, which to my mind, is the best measure of whether we are getting anywhere or not. Of course, the Professor is more familiar with the savage than I am. I don't say this because he has lived so long with the College Professors down at the University, but because he has traveled in Mexico and Africa and countries outside of America. Of course anybody outside of America is a savage! At least he can not be a hundred per cent American! But I could not prove that a savage in Africa was not as happy as a civilized banker in Chicago, if you can put those two words together. The savage does not have to watch the ticker to see whether stocks are going up or down; and he does not need to worry because he can't get all the money there is in the world, and he does not have to be operated on for appendicitis or anythink like that, and he knows nothing about germs.

On the question of happiness, I doubt whether civilization gets you anywhere. Of course, the African lives a sort of life close to nature, and I presume he does pretty well. I could picture the African sitting on the banks of the Congo. That isn't so bad—sitting in the shade, playing with the alligators, his children around him, and his wives out gathering bread fruit and cocoanuts for him. What's the matter with that! I fancy you couldn't improve his condition by putting up a silk

mill for his children to work in or a steel mill for him to work in!

I think it is impossible to say that civilization has done anything to make life happier, or more tolerable for the everlasting stream of men and women that come and go. Is there any sense in saying that the world is getting anywhere; and if so, where? Is this generation happier than the last? A great many things have come into being in my lifetime. Of course, I am not much older than the Professor, but still I can remember when the telephones came. Now, I get sore every day by being called up every three or four minutes on the telephone. Has the telephone added to the pleasures of life?

I can't see that life is any happier now than it was when I was a youngster. I fancy the people when I was a youngster were just as happy as they are now, and perhaps happier. They were all sure they were going to heaven after they died, and most of us are not so sure now. Really, one must get a starting point, and I can't find one. Wherever you place your feet, is quick-sand. Is it intellect that makes you happier? Why, of course, I know better than that! Because I am not happy. Is it money that makes you happy? I know better than that, too. Is it tall buildings? No, my office is on the thirteenth floor. What has that got to do with it? Is it railroads? I hate to ride on the cars.

What makes happiness? Well, I fancy it is largely a state of mind and I know nothing between savagery and Christian Science that can change the state of mind. Of course, socialism may to a degree, but it is only to a degree, because the Socialists expect something here, and the others don't, so even they can be disappointed. But take any basis that we can think of. The intellect is a poor one. Can you prove that the intellect of man is any better than it was, or that it is going to be? I don't know about the Neanderthal man, who lived sixty thousand years ago; a little of his skull was found in a cave in western Europe. We hav'nt got enough to judge. But I know something about man as far back as the history of the human race goes, and our men are certainly no more intelligent today than they were then. We have'nt got beyond Plato, and Aristotle and Socrates, although we have Mary G. Baker Eddy and Dowie and Billy Sunday and Bryan!

When I was making a memorandum coming down about what I should say, the only thing I really put down was "Bryan," to prove that the world did not move." It is perfectly clear that man has not improved in twenty-five hundred years. It is true, that there have been more books written lately, but very few of them are worth reading. Anybody can write books if he has learned how to write. Everybody can

speak because they have learned how to talk, but it does not show that they are saying anything, so we still go back to Plato and Aristotle and Socrates and that brilliant galaxy of philosophers and thinkers who have made up a large share of all the geniuses of the world.

Intellectually man has got nowhere. If he has, I don't know where. What has he done? Intellectually, he has done nothing. He has turned his mind to this thing and that, and he has preserved some of the things that other generations knew of, but as an intellectual machine, as a human being, he is no better. Swept onto the earth with the rest of life, born, lives his time and passes away.

Have we learned anything about war? Why everything that was said against war was said twenty-five hundred years ago, at least. The world has been educated about its cruelty for hundreds of years, and yet in the midst of our wondrous civilization, we have seen the greatest war of history, and every bit of science that we knew has been called into play for the purpose of killing men. I wrote a book on non-resistance fifteen years ago and we have had a war since that! And I believed in it myself. The primitive man, with all of his old primitive instincts, is here just the same as the first man, and these instincts rule his life.

When we come down to modern life, what have we learned? One hundred and fifty years ago we formed a nation, dedicated to freedom of speech and freedom of action, and what has become of it? Look at the great gallaxy of scientific men who have taught the world for the last two hundred years at least. Yet, the world has gone crazy over tipping tables and hearing raps on the ceiling to prove immortal life. Think of the more or less philosophical ideas of life, and the future, and religion. And you can plant in a civilization like the United States the doctrines of Dowie and Mary Baker Eddy. Think what has been done and said by all the wise of all the ages, about philosophy, and along comes a cheap evangelist like Billy Sunday and a cheap politican like Billy Bryan, and they make the people declare by law what you and I shall drink and not drink! Have we got anywhere? If we have, I wish we could go back!

America entered into a war, partly to make democracy safe in the world; we founded a nation with a constititution, which was meant to preserve liberty and a declaration of independence which came from the wisest and the freest men of their age, declaring the mind to be free and that men should be free; and we finished with the war and then a few vote-monging politicians moved by the people who love wealth and power have turned a great, free country into a mad-

house! A mad-house where the human mind is paralyzed and the human lips are dumb for fear of the wrath of the money changer! We have destroyed as far as a few years' can destroy, the free institutions that it took centuries to rear; we have made a psychology that causes us to look back at Herod and the Duke of Alva and the Witch-burners and admit that they were pikers compared with us!

The Chairman: Professor Starr will continue the debate for twenty minutes.

Professor Starr: I really feared when his forty minutes were fully up, that he was going to sit down without saying anything new, and I should have been greatly disappointed if that had been the case, because you do not come and listen to him talk for forty minutes without saying anything. Of course, I think he is fixed. And, you may take it in either sense of the word you please; you may either take it from the point of view of this debate, or you may take it from his usual, intellectual attitude. But, that is neither here nor there.

I was a little astonished at some things he said. I was disappointed in some things connected with his attitude. I have heard him say so much about his vast knowledge, and I knew of his interest in biology, therefore my pain was great when he said that for himself he could not tell the difference between a man and an ape, a cow, a bee and an ant. Think of that! Think of that! I was sorry he did not ask me about something besides the weight of the brain under those circumstances, because I would have been glad to have told him the difference between a cow and an ant, for instance, before he came in. However, you know the difference between a cow and an ant. One difference between a cow and ant is that the cow is very far from being a social being; very far from being a species that has developed a high degree of culture and of society, while an ant is a socialized being. There is propriety in saying that an ant and bee is a fixed species. There is propriety in saying that they have developed to a certain point and it is very unlikely they will make any change —and probably a change would be for the worst if it could be conceived. But an ant and a bee are things that have become perfected, from the point of view of social organization.

Now, I am not sure it is a desirable thing, and I am glad that man, as yet, is not so fixed as the ant and the bee. Nothing but most thoughtless use of words could possibly lead to such a suggestion. Ants and bees are fixed socially and mentally. The organization is perfected, it cannot be changed without being damaged. He has shown that we can be

changed with profit. Am I right? Has he shown that we can be changed with profit? If so, what is to prevent our profiting and making that change? Are you really automata? Are you really helpless? Didn't some men make that constitution that he has praised so highly? Did not some men make that declaration of independence? And I am certain that in the two generations that have passed, or three, since those splendid papers were written, there has been no such mental degeneration as to prevent our showing us to be worthy grandchildren of those sires.

If we are living in a mad-house, it is time we got out of the mad-house. If we have gone backward in the five years just passed, it is time for everyone of us, if we are honest, to buckle down and to say that the bad of these five years must be undone. The results of the next five years must be much better. We can do it because mankind is not yet either ant or bee, but human beings, that can work for progress!

Talk about the telephone! He said that he was a slave to the telephone. Well, now, you know, I am no slave to the telephone. There is no man, woman nor child that has ever heard my voice through that accursed machine. I might not live on the thirteenth floor of a building, but I have enough control over myself and my actions in the City of Chicago, not to do what I do not want to do! I am not fixed!

Now, you notice, I thought he was really a very free-thinker. I thought he really had broken away from the ideas of the past. I thought that if any man in this house was able to completely cut loose from this anthropo-morphising of things, it was Clarence Darrow, and yet he talked of us as being in the hands of a monster, "Nature." In the hands of a monster. Think of its claws; think of its heart; think of its hands, this monster, "Nature," and then find fault with weak minds who anthropomorphise.

You know, it pains me, because I meant to have said some nice things about Clarence Darrow, and to have to modify, even in the slightest degree the kind remarks which I had suggested in my outline, becomes painful to me. Another thing, I am surprised at the way it appealed to this audience. He said that only a few years ago, when he was a boy, everybody felt sure that they were going to heaven, and then he spoke of the awful come-down to the present time, when people are not so sure. Now, you know, what could he have found so delightful in the picture of eternally thrumming on the harp; yet he seems to think that is a come-down! Notice, notice, such inconsistency! And to a man who is fixed. You know, I knew I should have to say something to overcome the effect of his foolery. So, at this point

I have said this to meet his quibs and jokes! Well, he will have a new stock of them later on, but they will be no worse than the ones he has given.

Now, dear friends, I referred at the close of my introduction to the dreadful situation in which we are. Mr. Darrow cannot paint the situation worse than it really is. There is chaos throughout the world. I know it; every thoughtful man knows it; everybody but those who blindly swear by those old men at Paris, knows it, everybody. But, after every crash of civilization there has been chaos,—and by the way, notice with what love and affection he speaks of the Greeks,—he speaks about Plato and the artists, and the tragedians and all in the same loving way. Yet, how do we know about them? There is some progress, obviously. He tells us we have not their equals. Why should we want equals? We have **them** today just as truly as if they were in our midst. Just as truly.

Well, I am willing to admit all the dreadfulness of the present situation. I would go him better, but I believe that things ahead have hope. Notice that while conditions in our civilization are bad, and while much of that civilization has crashed, and much of what we were proud of, is gone, and gone forever, yet we have made some gains in attitude. I did not intend to back up old arguments; I read that debate between Kennedy and Darrow on much the same subject as we are discussing, and I supposed that most of you here had. I did not believe Mr. Darrow would come before you with that old stuff over again, and yet almost all of what he said to you during the actual forty minutes was that same stuff. I meant to avoid absolutely what was said by Mr. Darrow and Mr. Kennedy in that old debate, but I will come back to this much. Look at that culture of which he is so fond in Greece; what proportion in Greece were slaves? You tell men that there is such a thing as different forms of slavery. I admit it. But the actual matter of human slavery is a thing that it almost gone, and in civilization it is gone. There may be other things analogous to it that are bad, but they will go just as slavery has gone!

We have improved in independence. Oh, sure, yes, I am so thankful that Mr. Darrow did not indulge in that maudlin praise which I rather expected he would indulge in in regard to the happy life of the savage and the barbarian. I will not refer to that African on the banks of the Yang-tse Kiang whose ideal situation he only dimly painted before you, because he did not want to bring me out in regard to savages, you know. Well, he did not say much about the ideal situation of the savage and of the barbarian, because it would be

painful to hear him talk of a thing of which he actually knew nothing. It would be painful. He omitted that. But, notice, in savagery this thing is true; everybody does just what everybody else does; and if anybody does anything different from what everybody else does, he pays the penalty. And, I have often wondered how quickly Mr. Darrow would have found his end, if he had lived in savagery—because in savagery, at the first tendency to show independence in life, thought or action, off with his head, tear him to pieces, and throw his scattered remains to those alligators that he talks so affectionately of, out there on the banks, the sand-banks of the river!

Well, now, that is all right, but you know, really, Mr. Darrow would not have lasted long in savagery. No, it is civilization, with all its faults which tolerates him. By the way, he did not quite define it as I did. He made it a more artificial thing than I did. I merely said it was the adjustment of the individual to live in crowds. That is what it is. And in civilization, individuals of different kinds have different opinions, different ideals, different ideas that they may express with a fair degree of safety. It is only in civilization when it comes to the point, that there is social independence. In this frightful crisis of the present moment, have we civilization? No; because in civilization men, women and children, stand a better chance of speaking frankly, and fully and freely than in any other state of culture. And, in every true civilization, toward which I hope we look forward, independence is the rule!

Then, there is another attitude of mind, that is interesting, which is the matter of brotherhood. It does not look like brotherhood now on the battlefields of Europe. It does not look much like brotherhood right here among us. No. I admit all that, but I know that the brotherhood of man is a doctrine that has gained ground, and is gaining ground with every generation that passes, and will gain ground until there is a general feeling of brotherhood. And, the time is coming as quickly and as fast as you play your part and show yourself the brother of the man with whom you come in contact.

Diversity of gifts! Yes, diversity of gifts. I am not anxious that every man should be an anthropologist. I do not care a cent if there are lawyers in the world, even. I am perfectly willing to have lawyers in the world, especially when they are ready to devote their talents to worthy causes. I welcome even lawyers, and lecturers on astronomy and socialism, and every kind of thing. Why yes; we want diversity: we want diversity of thoughts.

You know this is the first time I ever heard Mr. Darrow really talk in public. I have conversed with him personally;

I have met him as a teacher meets a student; but I have never had the pleasure of hearing Mr. Darrow in public before. I have been told so many things about him. I have been told about his brilliant oratory; I have heard about his familiar manner, about his ingratiating mode of dealing with his audience; that he carries them right in his hand. You can imagine with what fear and terror I looked forward to this meeting. But, now, what I want to say about Mr. Darrow is this: They had always told me that he was blackly pessimistic, and you know I have been looking this afternoon for the pessimism. There is some of it there; some pessimism, but not so much; not so much. They tell me he presides at dinners to the memory of Tom Paine, and I understand he is an admirer of Walt Whitman. Isn't that a curious aggregation for a pessimist? Yes, for a pessimist who loves Tom Paine and Walt Whitman. Birds of a feather flock together. Think of the deep pessimism of Walt Whitman and Tom Paine! No, they were people who believed in men; they were people who believed in brotherhood; they were people who believed in a hope of bright sun-rise; something in the future; progress, advancement. Don't tell me that a man is densely pessimistic who presides over dinners for Tom Paine!

After all, you know, we might be worse; we might be worse. I very rarely quote people. Very rarely a man says a thing as well as I think I can say it myself. But here I want to quote a passage from a man, an Assyrian, Ribbany, who says:

> "Furthermore, America has been making the experiment of racial amalgamation on the vastest scale the world has yet known, and with great success. Never since the world began did the children of so many races assemble under one flag to work out the problem of individual and national destiny as **free men** as are assembled in America today. The ancient empires—Persia, Babylon, Assyria, Egypt, Greece, Rome—every one of them ruled many nations and races, but they ruled those people with a rod of iron and did not educate them for citizenship and treat them as equals. This country has proven to the world that the sons and daughters of many different races and the adherents of many different creeds, millions in number, could live together peaceably as free citizens of one commonwealth, and have one supreme national ideal."

Something to it?

It is not all we wish it was, no, and it has the earmarks of a mad-house for the moment, but there is something to it; there is something to it in the fact that you and I hope, and confidently look forward to in the future. Yes, toward which we aim.

I want to read you three quotations. They are quotations from different kinds of people. They are all from people who have been speaking on this question of what lies ahead, what is in the future. One of them is Edward Carpenter. Now, of course, you know more about Edward Carpenter than I do. I have not read so very much of that writer, but he is interesting. I do not always follow him, but let us see what he says. He has been talking about civilization. He has been tracing it backwards; he has been telling how it is a disease; he has been wondering whether it is necessarily fatal, and absolutely sure to kill, or whether there is some hope for the future; and toward the end of his discourse, he says:

> "Possibly some day we shall again build our houses or dwelling places so simple and elemental in character, that they will fit in the nooks of the hills or along the banks of the streams, or by the edges of the woods, without disturbing the harmony of the landscape or the songs of the birds. Then the great temples, beautiful on every height, or by the shores of the rivers and the lakes, will be the storehouses of all precious and lovely things. There men, women and children will come to share in the great and wonderful common life, the gardens around will be sacred to the unharmed and welcome animals; there all store and all facilities of books and music and art for everyone, there a meeting place for social life and intercourse, there dances and games, and feasts. Every village, every little settlement will have such hall or halls. No need for private accumulations. Gladly will each man, and more gladly still, each woman, take his or her treasures, except what are immediately or necessarily in use, to the common centre, where their value will be increased a hundred and a thousand fold by the greater number of those who can enjoy them, and where far more perfectly and with far less evil they can be tended than if scattered abroad in private hands. At one stroke half the labor and all the anxiety of domestic caretaking will be annihilated. The private dwelling places, no longer costly and labyrinthine in proportion to the value and number of the treasures they contain, will need no longer to have doors and windows jealously closed against fellow-man or mother Nature. The sun and air will have access to them, the indwellers will

have unfettered egress. Neither man nor woman will be tied in slavery to the lodge which they inhabit; and in becoming once more a part of Nature, the human habitation will at length cease to be what it is now for, at least, half the human race—a prison."

Of course, I consider that rather fantastic. It is very, very beautiful; it is an ideal which one would gladly see achieved. But, to me it sounds rather fantastic. Read it as the hope of aspiration, the ideal of a man who recognizes as fully as any speaker in this room today can do, the evil and inherent dangers of civilization. And, yet he looked forward; Edward Carpenter, to some escape, to a future.

My second quotation is a very different class of matter. It is from one of the great geologists of the world. Of course, a geologist is a man whom you would hardly expect to have an opinion regarding the future. A great geologist, of course, primarily, is interested in the past. But, let me read:

From Text Book of College Geology, by Dr. Thomas C. Chamberlain and Dr. Rollin D. Salisbury, pages 943-4:

"A Psychozoic era, as long as the Cenozoic or the Paleozoic, or an eon as long as the cosmic and the biotic ones, may quite as well be predicted as anything less. The forecast is at best speculative, but an optimistic outlook seems more likely to prove true than a pessimistic one. An immeasurably higher evolution than that now reached, with attainments beyond present comprehension, is a reasonable hope.

"The forecast of an eon of intelluctual and spiritual development comparable in magnitude to the prolonged physical and biotic evolutions, lends to the total view of earth-history great moral satisfaction, and the thought that individual contributions to the higher-welfare of the race may realize their fullest fruits by continued influence through scarcely limited ages, gives value to life and inspiration to personal endeavor."

The quotation shows what a thoughtful geologist, looking back upon the long, long past, and looking forward to a long, long, future, thinks he may reasonably hope for from this world.

The third quotation is a very recent one, from an address delivered in this city in the past month, by Roger W. Babson, at the banquet of the Chicago Association of Credit Men, Hotel La Salle, January 30, 1920. He spoke as follows, and he was quoting Mr. Edison, and it is because of Mr. Edison's remark that it seems to me the quotation has some interest:

"I was visiting Mr. Edison some two years ago and asked him what he thought would be the greatest invention of the next generation. He shook his shaggy head and said: 'Well, Babson, I have often thought about that myself. I doubt a good deal if it will be along mechanical lines. You will be surprised to hear me say this, but I sort of feel that it will be along psychological or spiritual lines. I sort of feel that somebody, some time, is going to invent something which will get people to have the right point of view toward life, and that is what America is waiting for today, and only that will solve her problems and reduce the cost of living."

Now notice, I do not consider Edward Carpenter a final authority. No. I do not consider Thomas C. Chamberlain an absolute authority in regard to a psychozoic era lying ahead. I do not consider Thomas Edison the last word in regard to the future, no. But, it is rather interesting to find three men, thoughtful men, sensible men, men of position, men of standing, whose ideas have some weight and value, take such views in a moment of crisis like this. Yes, it is something that Edward Carpenter, Thomas C. Chamberlain and Thomas Edison get together on common ground, in looking forward with hope to the future, instead of seeing nothing but blackness ahead. That I think is worth calling attention to and worth emphasizing.

Now, let me return to my broken discussion, I had spoken about the great war and the frightful chaos that has followed after the war, the suffering, the uncertainty, the hideous condition in the world today. And, what of the future is there ahead? I believe there is hope, yes, or I would not stand here and say so. It seems to me there is hope for the future. I used to ask the question, when I told my young people that this crash was coming,—and they will bear me out that I have told them so for twenty years—they will bear me out that for twenty years I have told them that our civilization was just as certain to fall when its hour came as any civilization that ever existed. Well, the hour came, the civilization has fallen. We are only just beginning to realize something as to the significance and actuality of the wreck.

Well, what about the future? Is there any chance or hope? I used to say to my young people, "Is there somewhere a young race, a people that has been living sheltered, who can seize the torch and carry it on?" I really used to feel that the earth had been made so small, that it had been so compressed, that in this period of material development it had been so contracted, that there really was no chance of any nation or any

people seizing that falling torch. I had once hoped that it would be Japan; but Japan has been so much infected, so much imbued with western ideals, it has lost so much of what was fine, and strong and genuine in it, that I look for little hope so far as world leadership is concerned, so far as that torch is concerned, from Japan alone. I once thought there was some hope in China. I now doubt whether China will seize the falling torch and carry it along.

What then is the hope, or is there none? I believe there is hope, but I look for it in a new direction. While I think the world today is so small that there is no single mass of mankind who can seize the torch of civilization and carry it on to higher things, I still believe there is hope. According to the old maxim, "er oriente lux"—I look to the east for light. I believe there is a sun-rise coming, and I believe the hope for tomorrow lies in just the place where thirty years ago I told people the great work of the world lay.

There are two nations on whom the future rests. We may be a mad-house. I hope we recover. I hope we will improve. I hope we will come back to sanity. I hope we will stand for the finest things in our past. But even if we do, the world's salvation will not come from the United States. No. I believe that the two great nations of the world in the coming hundred years will be one great nation of white people and one great nation of yellow. I believe that in Russia—poor Russia, bleeding Russia, and in China, down-trodden China, the greatest aggregation of yellow people in the world, the future world hope lies, and it cannot come from one nor from the other. Too long civilization has been seized and carried by one people, one nation. Now, it must be Russia and China, united with the best from both, that shall carry on the movement.

Do not misunderstand me. I am not pleading now a conquest of Russia by China nor a conquest of China by Russia, but I hope that Russia has yet enough foundation, enough of strong vigor, enough of those things which are best in the white race to have life to live; and I hope that China retains out of the ancient past, that fundamental altruism which, added to what Russia has, will make a union based on principles higher and finer than any we have ever seen. With the union of the best from the old domestic civilization of Asia, and the best from the later political civilization of Europe, I hope in this future, through the impregnation of the one set of ideals by the other, to see something finer, better, stronger, more widespread, world-embracing, such as the world has never seen. **Ex oriente lux.** In China and in Russia, there are the ideals

which united mean liberty, success, advancement, opportunity for each man to live his best and noblest life.

It seems to me that these men are not mistaken; that there is a future; that the old world has not finished; that we may look forward to a civilization, truer, better, more honest, more genuine, than the world has ever seen!

The Chairman: Mr. Darrow.

Mr. Darrow: My friend's faith in the world getting anywhere has come down to a hope. Well, that is all right. To me "hope" sounds so much like "dope," that I never could see much in it. I don't object to a man hoping. I hope sometimes too, when I know there is nothing in it. That is one thing that makes me hope. All of this is in the province of faith. I knew I should have had a religious man to oppose me on this question. This whole thing is in the realm of faith. I don't know what may come. I could not prove that there are not fairies. Perhaps there are. I have hope. But, if a man tells me there are fairies, it is up to him to show me the fairy. I know the fairy tales.

I would not call Edward Carpenter a scientist; neither does my friend. He gives us a pretty picture. What of it? I would not call the geologist a student of sociology. He understands geology. He did not find proof of his theories in the rocks. Edison has been saying some things, and he has a good deal of idealism in him. Why are the words of Edison taken up by Babson, whose business is to get out a paper dealing with the stock market? I will tell you why. Edison has intellect enough to know, and I fancy Babson has intellect enough to know, that all of this thing that we call civilization today, is a bubble; it is nothing; it is a fleeting show; it does not satisfy an intellectual man, a man of vision and dream, and therefore he paints these pictures and these dreams. Edison says sometime we will turn to spiritual things? Why? Because he knows that the things he has given to the world have done little to make the world happier or better; because he sees this mad race for wealth and he knows it means nothing. He has a dream that some time we will turn to spiritual things. Well, of course, he does not say what "spiritual" things, any more than Mary Baker G. Eddy does. What does he mean by "spiritual" things? The word really has no scientific meaning.

Man is just the way he is, whether he is as completely fixed as the ant and the bee,—which perhaps he is not—he is practically fixed; he is a part of nature, a specific part, with a definite origin, with definite capacities; has accomplished definite

things, and failed in definite things, and there is no room that I can see, in life or experience or logic or science to say he can ever to differently in the future from what he has done in the past.

My friend here has dreams. Dreams are good. The only trouble with them is that you awaken. I have dreams. I often purposely go to sleep in the morning and sleep an hour or two longer because I know what it is when I am awake, and I don't know when I am dreaming. I am satisfied to let him and Walt Whitman and all the rest of them dream, and to a certain extent I sympathize with them. But why should he say that Russia and China are to do different things for the human race than have been done in all the ages that have gone before?

Now, I have a deep profound sympathy for Russia in her present experiment, and I hope she will succeed! Suppose she does or does not, what has that to do with the question of what the human race has accomplished or what the human race can do; and that its future as a future will be different from its past. Life is an ever ebbing and flowing, a coming and going—what else?

There is only one reason I can see why Russia should take up the torch in Europe, and that is that Russia is the newest—in a sense, of the peoples of the world; a primitive nation, closer to nature, closer to life, and she might do something new; but, with the knowledge of the past, is there any reason to think that even if she did that she will not go the course of Persia and Egypt and Rome and Greece, and the course that Great Britain will one day go, and that the United States will one day go? Is the law of birth and growth and decay any different with nations than it is with individuals? Will it be any different in the future than it has been in the past? I fail to see a scrap of evidence that it will be any different in the future than it has been in the past.

Perhaps China may some day awaken from her long slumber, and I don't know what she will do when she has been awakened. China today has solved the problem of the greatest mass of people getting along with each other better than any other nation in the world. She is more densely populated than any of the rest, and she seems to have learned this great law of accommodating each to all better than any other nation in the world. If she becomes civilized, she will probably forget it and go the way of the rest!

Now, I don't despair. I haven't anything to despair of. I see the game as the game has been played since the world began, as far as I can see the record, and it is the game of the child, born full of hope, reaching middle age, full of ambition, doing his work, finally reaching the period of decay and

dying, getting through with it; it has been the life of the individual, it has been the life of the race, it has been the life of each separate nation of the race. What is there in life, or experience or science to show that it will be any different in time to come?

Has my friend given you one single fact in anthropology, that he is so familiar with, or in science, that he is so familiar with, to show that there is anything but the law of life and death? Ebb and flow—everlasting change—in and out—that makes up human life?

Are the emotions of men today any different than they ever were? Voltaire, who perhaps did more for the improvement of the human race than most any intellect the world has ever know—Voltaire, the great iconoclast, fought against the very intolerance that is rife all over the world today. He raised his voice in the face of prison and death for the right of men to live, to express their opinion as they would. We thought it had been established in the world, and lo and behold, almost as if by magic, the right is gone, and all the fierce hatred and bitterness of the past has come in its place. Why is it that great masses of men and women, who have had years of training and experience, and a large degree of freedom can be caught by such a fool phrase as "a hundred per cent American?" Why is it that we can forget all our traditions and send thousands of poor, working people, out of our country, in a mad passion, and frenzy, at the command of a few? Why is it that a boy could be turned out of a public school in Chicago because he did not see fit to salute a flag, whether he believed in the flag or not? Why is it that tolerance and common intelligence can never long rule the brains of man? Men are moved by catch words, by feelings, by emotions, and they do all the barbarous things today that they did when the human race was young.

Speaking of Greece. True, she had slaves. But, take the slaves with them, and the whole mass of the population probably averaged much higher intellectually there than it does in America today. We have had chattle slaves, literally in this country, sixty years ago, and we thought nothing about it. It is a matter of custom and habit mainly. But, you may go back to the old Grecians and even farther back than that, and there were still those men who did not believe in slavery; still those men who had the same dreams the Professor has, the same dreams that Edward Carpenter has, the same dreams that all dreamers have. The truth is that it is the abnormal men who have them; the men who are not like his fellow-man. The men with deseased brains. But, life is continually preserved by the medium person. If you want a presidential candidate,

get a common place man, a man who has never expressed any radical opinion on anything, the great mass is for him. You will find it true everywhere. It is the great, common place that has ruled the world. Phrases; catch words, it is not the philosophers or the dreamers. It is these men. And when they are touched by a great feeling, great emotion, good or bad, they are like the wolves that hunt in packs, and all reason falls from them.

Has the Professor shown that we are happier? That we are better? He tells us we know more of brotherhood. Where does he get it? We trace a dream of brotherhood in all the peoples of the earth. I suppose he had in mind the negroes down on the south side, where the white men are organizing themselves, the good, respectable ones, into bombing committees to destroy their homes. Has our feeling changed? Almost none, if any; possibly some; railroads and better communication have done something to draw peoples together; the man who is densely ignorant is the person who is outside the stream of life.

But, this is only one phase of life, and we are everlastingly reverting to the common type; the common type, which I say cannot possibly be changed; you can make nothing out of a man but a man, that is all. He is susceptible to a certain development, a certain growth, and no more; and I submit that there is nothing in the history of the world or the experience of life to show that this statement is not true.

Now, I really ought to discuss this question with a man who seriously has faith that this world is getting better. With a man who can stand on a platform and say today is perfect, look what we have. Instead of a man who says, "Well, it is true, this world is a mad house, it is true civilization is breaking down, and he goes me one better and says it will be destroyed. All right; it is true that everything has failed in the past; that nations have risen and died, but I have a dream that some time it will be better."

Well, I don't know what he takes, exactly. If I did, I would be glad to get some of it. I hope it will be better, but I don't hope it in the sense of expecting it. I don't expect it. I can see nothing in man to make him intrinsically different from what he has always been, any more than I can see anything in an ape to make the ape intrinsically different from what he was; or anything in an ant to make him any more than the ant has been.

I can see nothing from which to prophecy for the future, except the past. And, in the whole scheme of the universe, I can see no law that teaches me that there is any beneficient power working to make the world better in the future than

it has been in the past. You believe it will be better. Let me suggest that if we are to believe it, it implies one of two or three things: Either that there is a Supreme Being, who holds in his hands the destinies not only of all the peoples, but of all life on the earth; but it also implies that that Supreme Being is good; and there is no evidence in science for either statement.

If not that, it implies that there is a certain physical law which we may call the law of evolution, and that this law is beneficient, and it cannot be beneficient unless some beneficient power planned it.

He seems to take exception to my idea of Nature. Nature, red with tooth and claw. Well, the stories about the goodness of Nature are simply myths and lullabye tales. Nature is not necessarily good or bad. She is simply all-powerful. She brings some happiness to many; she likewise brings misery to all. She will cause the joys of friendship to turn to pain and grief at the loss of friends. No one can point at Nature, blind, cruel, unpitying and say there is anything good in Her. Perhaps there is nothing bad in Her, but certainly nothing beneficient. And, as to man, he is helpless in her hands. In her blindness, she has developed him as he is. Just as she has developed everything else as it is. His limitations are fixed. The laws of his being are exact and you have no right to blame him or praise him. He cannot make it better excepting here and there, and now and then, when this inspiration is upon him, or that is upon him.

It is the nature of life to change, move, out and in, and up and down, and forward and backward, restless, forever, with no beginning and no end; a ship on the sea, tossed by every wave and by every wind; a shlp headed for no port and no harbor, with no rudder, no compass, no pilot; simply floating for a time, then lost in the waves.

This is life, and I submit, it is all that science can tell us of life.

The Chairman: Before Professor Starr closes his debate, I think I should tell you that we have the promise of one more Darrow-Starr Debate before the season closes, on the question: Is Life Worth Living?

Professor Starr: Now, I shall not take the fifteen minutes that have been offered to me; I shall not take ten, I shall not take five. It is not necessary so far as any new argument is concerned. I only want to say two things in regard to what has been said since I spoke; the first one is to still voice my surprise at the presentation, after the old-world, anthropo-

morphisation-style, of nature. I really am more pained and surprised now than I was before.

I want to say just one word with regard to Russia and China. Why have I some hope in regard to Russia and China? Look at the present conditions in Russia. We there have the best of what is vital and promising in the white race and white blood; in China we have the fundamental idea that has kept China a nation and a crowded one for four thousand years. Talk about her being civilized! She was civilized before the birth of Christ. Talk about China as a nation! She has outlived most of the nations of history. And why? Because, the fundamental idea underlying China's society and China's policies is altruism. In China the individual counts for nothing; the mass counts for everything. That does not mean that the individual may not be an individual. It does not mean that he may not think for himself, speak for himself, act for himself; but it means that in the crisis he should sacrifice himself for all.

Now, in the combination of those two ideas, we have something the past has never shown. For the development of the world, China and Russia are side by side. I believe something is coming of that contact.

Talk about dreams. Why, I don't even dream when I go to sleep. Talk about spirits. You don't hear me regret the loss of any spirits, do you? No?

No, my bitterest enemy does not talk about my dreaming. No, indeed. I look forward with hope; yes. Notice, Mr. Darrow said that my hope came down out of faith. Why, no, it has nothing to do with faith; but if it had relation to faith, it could come up from faith. Hope does not come down from anything; hope comes up from everything. And, I tell you if we have in us some capacity; if we have in us some ability of development and range, and we have (even Mr. Darrow assumed it, he merely recognized limits on either side) ground for hope. The trouble is that we do not come up to the upper limit—and I venture to say there was never a time in the world's history when more people might come up to the upper limit than among us. Let us then look forward, with hope to the future. I do not ask that you be super-men. I know nothing about super-men. I do not wish super-men. What I want is real men. I want men who do come up to the possibilities of their own make-up. If every man does that, there is no question about whether we are advancing, because that thing never has been yet, and it has come nearer to happening within the past two hundred years than it ever did in the history of the world before. In that possibility, let all of us surpass our past, realizing that we have a better opportunity in the present and future than in the past, let us have hope, which is no dream.

Is Religion Necessary?

YES, REV. ROBERT MACGOWAN
NO, CLARENCE DARROW

HALDEMAN-JULIUS
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Is Religion Necessary?

(Debate)

Yes, Rev. Robert MacGowan

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IS RELIGION NECESSARY?

DEBATE

Affirmative: Rev. Dr. Robert MacGowan, minister of Bellefield Presbyterian Church, Pittsburgh, Pa.

Negative: Clarence Darrow, eminent criminal lawyer and agnostic, Chicago, Ill.

FOREWORD

[At Carnegie Music Hall in Pittsburgh, Pa., Thursday evening, January 15, 1931, a Scotch Presbyterian minister, the "Highland tongue" still with him, matched arguments with Clarence Darrow, veteran of a half century in the criminal courtrooms of America. The debate centered on the question, "Is Religion Necessary?"

Before a tense audience, Rev. Dr. MacGowan, student at Glasgow, Edinburgh and London Universities, opened the discussion with a 25-minute statement. Mr. Darrow followed negatively with 35 minutes. Each speaker had 25 minutes for rebuttals, and Rev. Dr. MacGowan closed the argument with a 10-minute sur-rebuttal. There was no judges' decision.

Following the debate, members of the audience, meeting the speakers on the platform, questioned them and produced their own arguments for a full hour.

As will be noted in the text which follows, war "caught hell" from both debaters.

The Pittsburgh meeting was held under the auspices of the National Speakers' Forum, of which George G. Whitehead, Columbus, O., is the director.

Elbert R. Moses, of the Pittsburgh School of Speech, was chairman.]

FIRST AFFIRMATIVE

Reverend MacGowan: "Is Religion Necessary?" The answer is yes, and we are trying to give our reasons in the very simplest and most human terms. In the first place it is necessary in order to explain man's habitation. "This is my playground, this world; it is my working place, too, and it is my cradle and it is my grave, but somehow there is a mystery in it all, and I would like to know what that mystery is that lies behind all that I see."

I begin to ask why, where, when and how, and so long as I do, religion will suggest itself to my mind.

Now, why should I be asking questions? Because I look at nature all about me, and I see—and it is always the first argument—I see evidences of intelligence in nature as it rises in its grandeur here and there. I see more; I see that everything—and this comes from scientists themselves, that everything in nature, organic and inorganic, is subject to a reign of law. Law! That is the wonder of the most eminent scientists in the world today.

I see more; I see evidences of a will, too, in the processes of the seasons, in the beauty of azure skies; there is plenty and to spare for mankind. Nature gives it; where it goes is another matter; that may be an economic device, but nature is plentiful for you and for me.

There is evidence of goodness, there is evidence of might, vast power there. But we call it not just might; we call it creative will. I said intelligence is behind it. Then intelligent energy becomes creative, producing the highest things from the very humblest beginnings in life, as science knows it today.

But there is other energy organized for the purpose of producing the highest end. What am I to say about it? Intelligence, goodness and will, what are these? And these are the parts of my own being; they constitute personality, and so we say that behind this universe of ours there is personality.

But you say, "You are only thinking in terms of your own nature; it is anthropomorphic"—that is the scholarly name for it.

Well, how can I do otherwise? I must think within the limits of my own personality laid down for me from the beginning. And so we speak of God as a personality. It makes no difference whether the world be this big or that big, old or new, it comes to the same thing. There is evidence of that creative will, and we call that God.

In the second place, that is my habitation, my home, where I live; there is somebody here. In order to complete man's nature religion is necessary. Man is not content in the physical at any time. There is something driving him beyond it; even when his

appetites have been satisfied. It is then when he feels it more. There is an urge in his nature that calls him upward. There is a desire, a hunger that waits for fulfillment. Why? Because you are two—I don't want to say you are two men, but dual—they are both part of the same personality, but I mean to say that there is one lower and a higher man, not that there is anything wicked about the first, for a moment, but simply that it is the moral nature that is within that fits us to the higher life.

The truth is that just as I live in a physical universe of things that are visible to me, so I live in a moral universe. How do I know? I go to nature, the plant, the flower. And it says to me, "I cannot fulfill my destiny unless I obey every law that nature lays down for me. If I want to fulfill my destiny in the sun I must die." And mortality says "Aye, must," to his body, and for that higher part of man, too. So there is in us an instinct for self-realization and self-completion. It is the soul's adventure all through history.

And where first to find that completion? Not in anything that is thrown to him, not the husks that are thrown to him day by day; not in his books, even books of great men. These only give him glimpses of a greater wonder that is always beyond him. His completeness lies in God. He clamors for higher moral profit with all the longings of his nature, I care not what they be.

In the third place, to satisfy the heart of man it is necessary to have religion. Do you know how knowledge comes to men and women? It comes from personal relationship. How? A little baby, the first teacher is its mother interpreting the world for it. The teachers afterwards are the school people and the comrades, and the better they be the more blessed for any boy and girl. And later on again there is the corroborating experience of history, of autobiography and of literature, but it is through personality that we come to know.

Now, how do I come to know about the highest of all? Through personality. There is a presence in the world communicating itself to my mind and my heart. There is a reservoir of power there for me to draw from if I will. Do you remember how Wordsworth put it? "I have felt a presence that disturbs me with the joy of elevated thought, but the joy—the joy." All right, that is to say that man longs for friendship here in the world, and the best thing on earth for you and me is friendship. But he longs for more than that; he longs for friendship the way Walt Whitman says, "He longs for that friendship eternal." That means—call it consolation, comfort and all the rest of it. God be blest that there is a lot of it in the world. Happy is that man who can be called the friend of God.

In the fourth place, to fulfill my instincts it is necessary to believe in a God. Now wait—I want to stress this very particularly tonight—we are told by the behaviorists in psychology—do you know what the behaviorists are?—we are told by the behaviorists that we are the children of necessity; everything we do we are com-

pelled to do by something that has come to us in our life. Behaviorism says to us this, "Look, behaviorism is the reaction of my response mechanism, this body of mine, this being of mine—of my response mechanism to external stimuli."

See that light? The light air waves come to my eye. My eye is made to respond so that by the response of my eye to that stimulus out there there comes the knowledge that I can see; I can see light. Now wait—then I know why I act like an animal; it is the response of my appetite to the physical things that are there around me. That is granted, isn't it? But here is my question, "Why do I act religiously?" You are an exception? There are millions for every one. Now, I am not saying that the minority are always wrong or the majority always right. Not fear, not dreams nor anything else can explain this reaction of this body of mine and this soul of mine, if you will, to this stimulus that is there inspiring my nature and inspiring me to better things.

What explains my desire for fellowship? Wait—you can easily call that desire. What explains prayer? What explains the joy of service with God? And of the union with him? What is it? It is the response of the mechanism of my being in response to an external stimulus. Where is it? What is that external stimulus? I say that it is the unseen presence in the world communicating Himself to my light, and my religious attitude is the response of my being to the eternal God. Until I do respond like that I am not at peace; my nature is disorganized. Aye, and human life all about me will be, too. There is some fault in my nature.

What men should be doing today is sensitizing themselves, sensitizing this response mechanism of men's life in order that it may give the proper and appropriate response to God and to that unseen presence when the time arrives for it. The result is this, that we allow ourselves to become vulgarized, and that aspect of our life is the last thing to receive mention and attention.

In the fifth place—now wait—in the fourth place, to fulfill the instincts of my being. Wait—the response mechanism now of my being—religion is necessary. Now, these are for the intellects of men. Think with me along a few practical lines for a minute. God is necessary, religion is necessary—because I think my definition of it can be maintained as I go along—religion is necessary to inspire the ideals of mankind.

The unbeliever, the atheist or skeptic laughs at the religious man, because he says he cannot reach absolute certainty, and we agree at once. Where is absolute certainty ever found about anything? We cannot attain to that. Then what are we to do? We shall do what science does. What is that? Here is the method of science; science makes its assumptions from its experiment and its observation. Then what? Does it put them in a museum and sit down and admire them? Not a bit of it, not a minute. It goes on and puts into practice the things it believes it knows.

That is what I want to say to men that doubt these days; you cannot reach absolute, unblemished certainty, but what you can do is to demonstrate the purpose of God, the purpose of God's love in your own experience, in your every-day thought and actions; ally yourself to some great and good cause, go out and fight your battle in the name of God, and he will prove to you that he is on the side of those who seek right and who seek his kingdom.

I like that phrase so often quoted by George Bernard Shaw. It speaks of man, the appetite; the appetite for evil uses. I like that. What is it? That God has made man a citizen of a world that lies ahead, and that faith releases energies in man that make that world possible. Where? In some vast universe beyond the grave? Not a bit of it, but right here and now, and God can do it through the men who are willing to trust him to the limit and follow his footsteps.

The trouble is that we don't get near enough to God, many of us, in order to get that message clearly enough, to inspire the ideals of men. Alas, what a world it would be if there were no such authority for such ideals!

There is another thing, sixthly, to encourage man's enterprise. You know, this travail has been long, difficult, hard and has been dangerous. Sometimes we say to the church, what good has the church done? She represents religion. Well, we have to bow our heads in shame for the little she has done; we have to bow our heads in shame, too, for the tragedies that have been due to her misconceptions of God, and the misconstruing of his purposes, for that is just what it means. But while we say that, we remember the saints and the martyrs, we may remember the prophets and the reformers, the men who gave their lives and died on crosses even to make that better day possible for mankind. We remember—we can look back, we can see slavery, and we can see persecution, we can see bigotry, we can see all the torture of human life. But will you remember this, that most of it happened at a time when all men were supposed to be members of the same church. It was not the church persecuting somebody outside of it; it was the church putting the fetters on its own people, and there is just a little bit of difference, remember that.

But when we think of that progress that has come and the evils that have been left behind, I can remember the words that are in the Capitol at Washington, and these words have had a mighty place in bringing that better place to pass for mankind: "What doth the Lord require of me?" Listen, you men who are speaking of a better day for mankind—"What doth the Lord require of me but to do justice, to love mercy and to walk humbly with thy God." What powers these words have been for making men better. And you know where they come from.

And is brotherhood coming, the brotherhood of man? Yes, we believe it is, when wars will be no more, to the ends of the earth, and

when usury will no longer curse the dreams of the poor, when there will be no more Sohos and Buckingham palaces, when there will be enough for all. And I am not affecting it, for I have learned to starve too, I have had to do it in my time, and God knows I curse it with all the blasphemy of my soul. Do you think that God means it or stands for it? No, but it does something for man; it develops a part of his glorious spirit. That is all, yet the day is coming.

Why do I talk about that? Because I believe in the fatherhood of God, one life, one blood, one law, that is why, and the day is coming when it will be realized. But only the blessed God in heaven has kept that vision clear in the minds of men who have had to starve to let it come to pass in their being.

What a struggle it has been! But God's spirit has been there. Or what else? Is man only cosmic dust, a speck? Not for a moment.

Somebody argues for the conservation of value. Personality conserves all the good that man has come to through the ages, of art, of science and all that is good, and somehow there is an inerrancy in our moral evolution. Do you want me to demonstrate it? It is to laugh. And I know there are multitudes like me. Heaven to me is not something up yonder. Heaven to me is what it was to Plato, with its invisible city; Plato, who said, "The man who has the invisible city in his brain will not be long until he attempts to accomplish it on earth." That's what it is, the power to drag men out of dirty boots into the higher things of the spirit. It is a great thing for the soul. I feel like Bacon in the time of the Renaissance. You remember how he put it; he drew the symbols of his song, "The Pillars of Hercules," supposed to be the end of the world; nobody went beyond it. He drew the picture, and there was a ship in full sail; there was a ship in full sail, passing through the Pillars of Hercules with "Plus Ultra" above. There is more yet; there is more yet. That is why I think religion is necessary. [Applause.]

FIRST NEGATIVE

Mr. Darrow: Mr. Chairman, ladies and gentlemen. If I can present what I have to say in as quiet and reasonable a manner as my able opponent presented what he has, I should think I have learned a great deal from it, and perhaps even if I can't do it I have learned something from him.

I think I will say further that while he and I doubtless will disagree on many things—as I will attempt to demonstrate—there is not anything that he said that is in the least offensive to me—I don't mean personally; I mean religiously, because I know they would not be personal.

I have no objection to any sort of religion that he is talking about. The only question in my mind is whether that is really religion. I wish it was. If it was, I wouldn't be debating.

I don't mind telling you that I really have a purpose in these debates, although I know I will never accomplish it. I would like to make human beings freer if I could; I would like to make human beings kinder if I could. I would like to make them more tolerant of each other.

Now, the doctor here has not given me anything to say in opposition to him on any of these subjects that are nearest my heart. Of course, intellectually, we can disagree, and do disagree upon this question. It might have been better to have had a definition of religion, but I don't think that is necessary right now. I can tell you where we disagree and why I disagree. I don't disagree with him with any such violence in my own mind as I disagree with many people who are sure they are right and want to send me to hell because I am wrong. I don't want to go. But I would rather go than to stultify—I would rather take a chance on the going, at least, than to stultify my own conscience and my own reason, poor as that may be. And reason, like everything else, is not perfect. The best reasoners make their mistakes. I know that, because some of them don't agree with me. [Laughter.]

I would have liked—and still I am glad of it—I would like to have had him say something about religion as it is generally preached today. But that is not necessary; there will be others who will do that. But I kind of like his religion as far as he got. Now, let me see why I don't believe in it—all of it. I can accept all of his conclusions without accepting his premises, because he evidently wants a better world, he is evidently thoroughly tolerant of everybody; he doesn't insist anybody should agree with him; none of that. But how he gets at it is beyond my ken.

His first statement, which occupied the largest part of his talk, was on the proofs of God. He doesn't prove it by the Bible. It would be all right if he did—we would talk about that. I am not going to now. Of course my friend knows that I must have heard this argument many times before. It is almost always advanced, ever since the days of Paley's Natural Theology, which once took the world by storm, but they have somewhat abandoned it. Paley's idea was that you could everywhere see order and purpose in the universe. I am not quite certain—it is a long time since I have read Paley. I am not certain whether he said that the eye was made especially so that it could see. But it wasn't; it wasn't especially made, and last of all so that we could see. The first animals didn't have any eyes. They couldn't have used them if they had. The orthodox religious idea is that whatever was necessary to use in this universe was made for it. Not at all. In the long, tortuous, slow progress of life the eyes were put in and the ears were put in and such other things as man has, meager though they are, and poor though they are, have slowly been attached to him. And those who had the germs and who gradually developed them lived, and those who didn't died. In other words, all that we are has come through the long, slow progress or change of nature, from the most insig-

nificant life, and even back of it, for the working of the survival of the fittest. Now, I say that as if it was true. It is a theory very well established, and I doubt if my learned friend would take the other view, although many people do.

There is no such thing as a perfect eye. How many of you people are wearing glasses? How many more of you would wear them if you were doing any close work? As Helmholz once said, "The eye as it is made or comes to man is a clumsy piece of botch-work." It is, because it is developed, just as I have stated—it is developed a little at a time, slowly to help him out in his fight with the elements, and in his needs in life. It was not made out of hand at all. Nothing else was made out of hand. Nothing in nature was made that way. As high as we are, we have come up through travail and sorrow and death, and we are not very high yet. There is nothing about us that is perfect. We know nothing about perfection; we have no organs that are perfect; we have no insight that is perfect; we have nothing that can approach perfection, and no two are alike in any of these things.

And however perfect it is, life is short, and we give it up. My friend says it wouldn't be perfect if there wasn't a heaven. Now, that is no reason for believing in heaven. It wouldn't be perfect if it wasn't, because why torture us here to make us happy hereafter?

Nature knows nothing about perfection; man even knows nothing about perfection, but we can show the imperfections in everything, because the means does not satisfy the end that is desired anywhere.

And if nothing would be perfect without a heaven, that is no proof that there is a heaven. Nothing is very perfect or agreeable in civilized society without a bank account, but that doesn't give us the bank account; it has got to come from an entirely different kind of activity. If we could will ourselves something we wouldn't need to worry; but we can't do it.

My friend says in effect—I may not quote him literally—that we had all these desires and aspirations, and no desire and aspiration is planted into the human being without the means to satisfy it. He knew—I can't speak about him, but as for myself, most of the desires I have had were not satisfied. How about yours? Do you mean to tell me that you have had all that was coming to you, or, more than that, all that you expect and wish? There is going to be a whole lot left over when you are dead, if your life cannot be complete without heaven.

How do you know it is going to be complete? Is there any evidence of it? I say there is not, not the slightest in the universe. He says there must be a God because there is order and there is system; the eye is adapted to light, everything is adapted to something. Everything that survives has to be attached to something, but not very well adapted, and when the adaptation is over, or over on a vital point, the organs decay.

I don't know anybody who is thoroughly adapted at any time. He may have good eyes and a weak stomach. He may have good eyes and a good stomach, but a weak head. [Laughter.] That isn't uncommon. He may have a good eye, a good stomach and a good head, but have flat feet. [Laughter.] Show me anybody that hasn't got something that he would like to get rid of, and then I will take some stock in the perfect workman that must have made the human being.

I remember the stories I used to read in McGuffey's Reader about everybody complaining about their ailments. The good fellow came along and said he would give them another chance; let all of them throw their burdens in the heap and come and pick out something else. One fellow came up with a set of bow legs; another one with a humped back, and another with a nagging wife, and another with a squint eye. Everyone had something they threw in the heap, and they took something else, and after they limped along on the new deformity they came back and asked the good fellow to let them exchange it for the old, because they had gotten used to it. [Laughter.]

Now, that is all there is to it. Show me a perfect person, physically, mentally—or to borrow from my good friend, spiritually. Of course that is a word I don't fully understand or partially understand; I don't know anything about it. But I do know something about physically and a little about mentally. Show me any of them that are perfect. There is no such thing. The seeds of death are born in all of us; the seeds of decay of every part of us; the seeds of disease are ever active. Where is the evidence of design?

Our good friend here is not the first one that I have heard say that God is good. How do you know? True, he makes the rose, if there is one—I mean if there is a God. True, he makes the rose that is fragrant and beautiful, but he also makes the cancer that is hideous, and it would take an earth covered with roses to make up for one cancer. If you are going to make him responsible for anything, he makes health and he makes disease; he gives us life and cuts it off when we are just ready to live. He gives us imperfect bodies and imperfect minds and terrible experiences, if he is responsible for any of it. And if he is responsible for any of it, by the same logic, he is responsible for all of it.

Can you prove the goodness of God in the death of a babe twenty-four hours old? And can you any more prove it in the death of an old man or an old woman who has fought the battle, worked for health and strength and freedom and finally lies down to his last long rest? You can prove nothing by it. Then why talk about it?

My friend has said some things that I cannot dispute. He says he can feel God in the universe. Maybe he can; maybe he just

thinks he can. I cannot. I would like to know what he feels like. Maybe I have felt it and don't know.

He speaks about prayer and how he knows what it means. Well, now, my friend is an intelligent man, but I think it is silly to say you know what prayer means. I am intelligent, but I think things that are silly—everybody tells me so every once in awhile, but I don't agree with them. Did he or any other human being know of a prayer that has been answered? I say men have implored heaven by day and by night as the years have rolled around and no single prayer was ever answered. They have prayed for the deliverance of a dying wife from the angel of death that hung over her bed—and she died. They have prayed that the life of a new-born babe might be saved—and it died before it ever knew life. They prayed for deliverance from pestilence and disease and famine and prison, but the universe was deaf to their prayers—and they still pray.

Can anybody prove that any single prayer ever uttered by man was answered? Now, let me give you one example, and see what you think about it. Just think about it. I want *you* to think about it too—[addressing Dr. MacGowan]. We just went through a war. The Germans prayed for victory and the French prayed for victory. Blooming idiots, both of them, praying for victory. [Applause.]

The English prayed for victory to their God and the Turks prayed for victory to Allah. The Americans prayed for victory and the Austrians prayed for victory. A lot of good it did them, didn't it? And they left heaps of dead. If there had been any God in the universe and that God had been good, I know of no reason for thinking that that war could have come to torture the earth. [Applause.]

But let us look at it in a bigger way. My friend says that you can see order and system in the universe, and where there is order it must be that somebody orders it. Well, there are two things on which I disagree. If there is order, it does not follow that anybody ordered it. But there is not any order. Let us see—what does man know about order anyway? If I didn't misunderstand my friend, he practically said that man did not know much about order. But I might have misunderstood him, because he still made the argument for order. What does he know about it? All that man knows about order is what he learns from the universe of which he is a part. If you say there is order or disorder you must have a pattern for it, or you don't know it exists.

Our pattern is the universe as we know it, and to say the universe is in order is simply to say that the universe is the universe, that is all.

Some say that the earth goes around the sun practically in an oval or an ellipse, year after year; that shows order. Suppose it

went rectangularly, that way, that way, that way, that way. Would that be order? Why not? The very corners would show order because it was happening. Supposing it went around triangularly. Would that be order? Clearly it would. Can you imagine any way that it could go that would be disorder? Oh no, your mind would be accustomed to it and it could not be otherwise.

Let us take it a little further; what about the earth itself? Is there any order here? You have to get a pattern of order. But even in the visionary pattern that is generally taken, is there any order? There are ten thousand earthquakes on the earth every year. Is that order? If so, what is disorder? The solar system of which we are a part was probably once a great star or planet and in some collision or on account of some force that we know not of, it burst and the fragments were scattered in every direction until this fragment and that fragment were caught by gravitation, as we call it, and it kept on its way around. What has happened, will happen. Doubtless the universe is filled with stars that once belonged to bigger stars, and every now and then they are blotted out, and they die.

What do we know about order, anyhow? Is there any order in the universe? Anything but order! There is movement of what we call matter constantly taking new forms—not constantly, but often. We know nothing about how many and how often these catastrophes take place. We know that some have been blotted out, so far as we can see, or they have gone away such immense distances that we can't see them, and they seem to be blotted out. Is that order? We don't know the meaning of the word.

Take our own country; the Allegheny mountains were once 30,000 feet high; so the geologists tell us, by measuring the slant of the upheaved rock, and who know where they meet at the top, as it once was. They have been bitten by frost, carried away by rain and rivulets into the great seas, and deposited two or three thousand miles away and built up the delta of the Mississippi. Was it order? If so, why didn't they stick the delta in at the start?

The Rocky Mountains have recently—recently as a geological period—been raised, some of them 15,000 feet high, destroying everything that was life—if there was life—and making the world over anew.

The whole valley of the Nile was washed down from the mountains south of the Equator, and they are building up a new delta year by year. Everything is in flux, everything is changing, nothing is fixed.

What about earthquakes? And here is one for the goodness of God. Some people say I haven't any right to judge God. Well, I haven't, but I don't judge him when I say he is bad any more than the other man judges him when he says he is good. To judge him, you judge him, and I admit we have to judge him, if we do it, by the

puny intellect we have. Mine might be all right, and that of my good friend; you can't tell. By his intellect, he judges him good. By mine, I can't understand how a good God could permit the endless injustice to every human being and every animal. [Applause.]

You remember the Lisbon earthquake. You don't remember when it happened, but you read about it. Thirty-five thousand people killed in Lisbon in the twinkling of an eye. Of course to show his wisdom and goodness more particularly, the great loss of life occasioned in this earthquake, it happened on a Sunday and a Saint's day, and the great number who were killed were worshipping in the church.

Now, of course, that was not a Protestant church (laughter), but I am quite sure my friend would say that does not make the slightest difference. What about a catastrophe to an ant-hill? Is there any reason why God should not look after ant-hills the same as human hills? Aren't they his creatures too? We have a great deal of what Weber and Fields called "proud flesh" if we think about ourselves. If the ants wrote books they would be the important ones and we the unimportant.

Everywhere nature is red with tooth and claw. In every human organism are the germs of all the diseases that man is heir to. We begin dying when we begin living, and whether it shall be long or short depends on a thousand things which we hear nothing about.

Wouldn't it show that God was wiser and better if we lived longer? If not, wouldn't it show that God was wiser and better if we lived shorter? And still wiser and still better if we never lived at all? (Applause). Because if we don't live we don't need to die or suffer a lot of other things.

I say first that there is no way of finding out what is order. He says seeds grow. They do, some of them. Weeds grow easier, and you have to take pains with wheat. Most all that nature produces is something that we have to get rid of. Why do we? I don't know; perhaps my friend knows and can still explain the goodness of God. I don't know anything about it except that it happens.

Now, why do we say that there is a God? That is not because anybody feels it in his heart. He doesn't feel anything in his heart unless he gets along toward my time of life and it doesn't work right. His heart is just an organism for pumping blood; he doesn't feel anything in his heart. Why then do they believe in God? Well, the primitive man saw the lightning coming down, and it is perfectly natural that he should think it was thrown down, and if it hit someone it was natural for him to think that God didn't like that person. And it was perfectly easy to get up a set of propitiations to God not to do that. The explanation is perfectly easy; there is nothing mystical or hard to understand about it at all.

Now, let us see about God anyway. Has he always existed, or did somebody make him? Did he exist from all eternity and then finally make up his mind he would make a universe? What was he doing before? I don't know. Does anybody know? What is the use of talking about it if we don't know anything about it?

Assuming God made a universe, was there any matter here to make it out of? And if there was, it must have been in some form. Why not in its present form? Did he re-mould it or make it entire? Now, can you imagine God making the universe out of nothing? You can't do it. Maybe he did, but you can't imagine it, because you never saw anything like it nor heard anything like it.

Did he make it out of himself? Do matter and God mean the same thing? If so, what is the use of both of them? Can anybody answer any of these questions? I think not. I don't pretend to know; I am quite sure I do not. I cannot even think about it, for I cannot comprehend or understand the terms I am using. To me they mean nothing, and of course they can bring no result.

And finally, if the universe could not make itself, and therefore it is necessary for us to make God so he would make the universe, then who made God? Isn't it just as necessary to make a God so he can make *that* God, and so on world without end? (Applause.)

AFFIRMATIVE REBUTTAL

Reverend MacGowan: I gave him something to hit at, didn't I? That has been my task. And there you are! And he has been doing it to perfection. Now, mind you, all the thunder is over. He did the very utmost that atheism can do to destroy the living.

Hear that! That is the utmost. Put them together and think them over as a scheme of life! With all the difficulties of the explanation!

Don't ask me about the problem of human suffering; that is the great tragedy of the world. But I am going to tell you—I am going to talk about some other things for him to shoot at. I am going to tell you this now, if you take out of the world the suffering that is caused by your own rottenness you will see a lot of it eliminated. [Applause.] And mind you, don't blame God for that, because he made you a free man, imperfect in a world that fits you; in an imperfect world. Now, when I say "made," please forgive me; he used the same word; he used the same word.

And we have no quarrel on the question of evolution. He had me say that the eye evolved until it became possible for this response mechanism to react to the rays of light. Now, we believe in that. Today the day is coming—theology is in an awful way. Look at science. The physicists are standing on their heads, with the new quantum theory and the Einstein theory, which is opposite to their

atomic theory. Utterly changed! Styles change in atoms just as they change in automobiles, and the atom of 25 years ago is as utterly different from the atom that the physicist has to deal with today as the Ford tin Lizzie is different from the Cadillac 16 that you [pointing to man in balcony] sell today. That is good advertising, isn't it? There you are—you should have gone and paid the bigger price, all the same. [Laughter.]

Now, wait a minute, can we give him something? This problem of evil is one thing, and then another thing. How much of that evil is due to our ideas of it? Don't talk to me about cancer. I was talking to a cancer patient the other day; poor fellow, had a tube in his throat. What was he saying about it? Was he kicking about it? He was perfectly calm about it. What did it? It was his religion. Calmly and religiously he went out into the unknown, poor little fellow. He said, "Doctor, watch that man Darrow; he is a wonderful cross-examiner."

What is that? That is the triumph of the spirit of man over the suffering that came to him in life. Mark you this, young men and women, don't fear to go and marry; don't fear the sorrow and struggle. It gives you confidence and heart. The folks who don't get on are the folks that are subsidized by their fathers and mothers, and they don't find the satisfaction in one another as they should; and they are not compelled to stick together and fight for what they ought to become. And the result is the divorce court, Reno and so forth. Suffering is sometimes good for humanity. [Applause.]

I will tell you more, that is what has made humanity in the struggle upward; that is the progressive part of the human race, and we are going to be fit for the great aims that have come through the centuries that have gone by, when we achieve what is in the minds and hearts of some of us for the better day.

But there is more. God seems to work good out of apparent evil. Have you proved it in your life? The things that you would have liked to have done; the things that you did. You were mad when they didn't come to you. And afterwards you said, "Praise God it didn't come; I am better as it is." That is often true, that is, that good comes out of evil.

That is what I came through in my college career, Mr. Darrow; I had to find my way. I gave up every part of the faith that came to me as a young Scotch Presbyterian. When I left Doctor Jones' class-room in Europe I believed nothing; I had to find my way, and there was my sorrow. You talk about your cancers in your body; my God, what about cancers in your mind? What do you know about torture, my friend? Sometimes you know about it in a case that involves millions, but oh, when a man feels his foot slipping and his heart heavy, that is different altogether.

Don't ask me about the thirty-five thousand people that were killed in that church. Don't ask me; I can't tell you. There is the

mystery. Brothers and sisters, I told you that there is a mystery about the world, and I would like to go behind it and see it. If I didn't believe it, I would say what Mr. Darrow said at the end of his speech. What was it? What was it? Wait—wait until we see it. I have lost the place, like the wee fellow in school. Here it is, "Better if we had never lived at all."

Mr. Darrow: I said it might be better.

Dr. MacGowan: That is the conclusion of atheism. Now we have caught it, fatalism and pessimism. "Might have been better if we had never lived at all." Now then, if that is life, I am sick of it. If that is all the world has to give me, it is a mighty poor business. No, no, there is a vigor and a passion and a joy in life.

You asked me what God was. What is my answer? Power, the sense of power, the confidence to believe that it is well and that there is triumph for the good cause in the world. That is what I mean. And there is a great happiness in it; that is the joy of faith in God.

I tell you, it is the response of my whole mechanism; not of my spirit—what is spirit—I don't know, nor do I care. Leave out spirit, brothers, in any part of you. I get religion without the vital—I get the religion without Jesus, but I please to take behind me, because I don't want you, Mr. Darrow, to hammer at them in the presence of these people. But if you want education on the latest ideas of the things that everybody ought to know, you get hold of that old Oxford handbook, and that will tell you. And I will give you an idea of what it is all about.

What else? The question of prayer, and prayer never answered. What do you mean by answering prayer? Do you mean I am going up to God with a collection plate and say, "God, fill it"? That is the old idea of God, but it is all gone; don't talk about that. I tell you what to do; if you want to get the latest ideas—we are talking from a modernistic platform; don't become alarmed, my Presbyterian friends! If you want the latest idea of what prayer is, I want you to go and take Mather's book. Now, Mather is professor of geology in Harvard University; nothing much higher than that, is there? Do you know what he does? He defines prayer. Wait now, scholar that he is, physicist and scientist, he defends prayer as a law of nature.

It sounds odd to me, and I am a religionist. Strange, but there it is; that is the very latest, that book was published in the last year. That is a wonderful defense of prayer, prayer that means the growth of one's mind, one's purpose, just through fellowship.

Now, that mystery that is there; you get no mystery? All right, some of us do, that is all there is to it.

Then that last, the war! How many died? I have stopped

counting. The war! If I had talked the way I wanted to in England as a young preacher they would have thrown me out of England or put me in jail. What would I call it? A dirty big dog fight. Blooming fool! What was the blooming fool business? And blooming idiot? Oh, it was the prayer of the German against the prayer of the French, it certainly is. But we were blooming idiots to be in it at all. (Applause.) There is where the idiot is, and if the people had prayed more and kept in contact with the purpose of God it never would have come. (Applause.)

I lived in the Old Country. I knew the divisions that produced the war. I knew how men lived it, lived for it, prepared for it, set that thing before them—and they got it, and they deserved it. (Applause).

Now, free will, that is what we will to do. When it started, long before it came, the conditions were in the making. Who did it? God did it? Oh, he said it, "You blooming idiot; why did you let it go on?" And it is religion that said it and has said it from the beginning, before doubt was known, because doubt in its modern sense was not known before the 18th century.

It was the man of God who said, "They shall beat their swords into plow shares and their spears into pruning hooks, and they shall practice war no more." What did that? It was religion, and don't you forget some of us haven't lost it now. And if the time comes for war, I will tell you now, if I have to speak for it, I will tell men to go into it if they want to, but leave Jesus and God out of it. "You stand there until I stick my brother through and gut him." That is all; blooming idiots. Aye, blooming idiots for not going to the source of unction, of peace and love.

Now, what else? Can I give you something about prayer? Another thing—and here it is from a scientist. Some of you men know about Charles P. Steinmetz. Do you know what he said a little while before he died? He said this: "Some of you people don't understand that material things don't just happen"—that is the exact phrase. Then he goes on: "The time is coming when science, realizing that, will turn its laboratories over to the study of prayer and of God." Wait now, I am quoting exactly: "And we shall make more progress in one generation than in the last four." Charles P. Steinmetz! That is a bigger authority than I am; I can't speak for Mr. Darrow. These are wonderful things to talk about.

Well now, about the war again. Ha, ha, who were the big men behind the war in Europe at the time? Mention them. Georges Clemenceau; what was he? A rank atheist of the most pronounced type. There you are. The Tiger, the man who had the blood. God would have taken the claws out of the man if he had given him his spirit. The man who had no place for God.

What else? Go back to the thing that made the war, farther back, to Germany. Who was the great leader? Bismarck. A great

Christian, you say? A member of the established church in Germany, was he? Do you know what his confessions say? They say this: "In the bosom of my family I believe in God; he is real to me, but when I go to the Foreign Office, God is dead and religion is false." I am quoting exactly, Mr. Darrow, from the life of this man, that was published. I will give you the quotation if you like.

Now wait, there were two influences behind the making of that great war. Bismarck only found that the stark facts that were there before him made it impossible to conduct the business of nations on a religious basis. Men were treating one another like animals, and that is all there is to it.

This is the age of the conquest of doubt; in this way, doubting God. We have had it here, but I have just one quarrel with the atheist up to date; I mean Walter Lippmann, Krutch and Bertrand Russell. They make no attempt to prove the non-existence of God, none. What I want is that they should prove their negation, modern skepticism, and prove as finally as they expect the religious man to prove his hypothesis.

In the second place, I can use doubt as a good weapon just as well as an atheist or a skeptic can. It is free to every man, because it is of the spirit, just the way old Wyckliff said about the keys of Saint Peter, when they spoke to him: "They belong to so and so." "No," he said, "because the keys of Saint Peter are spiritual, and they belong to no man."

We have the question of materialism. Do you know what materialism grew out of in the past? That these little atoms were indivisible, indestructible—they couldn't be removed, they were solid. Now what? As I say, the little atom has changed its nature. Now we talk about electrons and protons. Nobody has ever seen them, but it is the new theory of the atom, and the result is that Professor Dewey in his different lectures tells us that we don't talk about substance any more. Where was matter to begin with, he asks? Dewey says we don't talk of substance any more. He says we talk of activity or energy.

Do you know what has happened? The electric proton has so disappeared from man's view that it has come to the very border of this mysterious world. I am not trying to mislead anybody—to the very border of that unseen, mysterious world.

The physicist today, for the first time in history, even when he talks of physical knowledge, is talking in terms of the 90's. Do you know what A. S. Eddington has said? When I talk about religion I should quote my authorities. Sir James Jeans in the terms of this mysterious universe? It is a tome of a thing, printed within the last three months. A. S. Eddington: "The Nature of the Physical World," published within the last year, and a companion volume with it. I recommend it to men who are altogether flat-footed on the sight of religion for that reason, because religion is in its purposes approach-

ing the border land where we think of God. We are speaking today of the doubt of the finality of science.

Watch now! Thank God for what science has done, but science is not an instrument of precision. As Mr. Darrow has said—there is nothing perfect. Take a watch, take it all apart. Have you the watch left? No, you have not. What have you lost out? Value, its usefulness, its beauty, its power in human experience. Science cannot touch these invisible values that lie beyond, that is all. And we are doubting the finality of science in our own time. We are doubting doubt. Hear me, doubting doubt. Why? Because doubt has told us this, religion and doubt and materialism stand over against each other. Religion explains man, man's lower being in terms of the higher. That is why I was living and thinking in such a high, exalted atmosphere in my first talk, and it seemed so different from Mr. Darrow in some of the things, just because of that. Idealism. Materialism explains the higher in terms of the lower. What kind of life comes from that? Great, good and noble in the case of Mr. Darrow, but is it going to be the case in the experience of all men and women? Explain the higher things, your ideals and inspirations and all the nobility of your appetites as an animal—a little more than that—God save me from a world when it comes to accepting that kind of thinking. We are beginning to doubt doubt for that very reason.

We are doubting the substitute for God. What is the substitute for God? Wait now, this ideal thing, this quest of the soul; call it poetic or romantic or what you like. What am I going to offer men and women for that? Where am I going to get the authority for it or the strength to offer it? I am doubting the substitute.

Now then, the eminent German apostle of atheism who died a few weeks ago, that man said his God is X. That is what you do in the comic. His is a godless mysticism. He is an atheist. What about Spalding and Alexander and Hoffman and all these men? They say you must worship the process of evolution, submit yourself to the laws of nature. And then I saw the thing that you saw, Mr. Darrow; that is, in my consciousness I saw a big volcano, and I saw the hideous face like a Chinese demon. I said, "I have got to worship the processes of nature?" No sir, maybe I will worship a God that is in all this thing and who is striving with his very life's blood to make a better humanity, a better world yet to be. A God striving—Oh, let me not say it, for fear the Presbyterians will get after me. (Laughter). There is the point; we are doubting. (Applause).

NEGATIVE REBUTTAL

Mr. Darrow: It is pretty hard to be a Christian. He says if a man is laughing and healthy, that is an evidence of God. If he says he is miserable and has a cancer, God knows he needs to be

chastened. Take your choice. If God is bad he is good, and if he is good he is good, and both of them prove that there is one, that God is good and bad.

Now really, I wonder if my friend says anything that proves God. I am not an atheist; I have never explored the universe. I might find something I wasn't looking for. But there is no evidence that any reasoning human being could call evidence to justify such a belief. If there was a God and he wanted us to believe in him, wouldn't we know it; it ought to be easy, and it *is* easy. Don't you think you crowded just a little bit on Clemenceau and atheism? Clemenceau didn't start this war; he was called in on the last day, after everybody else had been exhausted.

And if the French were right and your religion is right, why God must have sent for him as the last hope.

But the Kaiser was talking about war from the beginning, about God all the time. He and God got so mixed you couldn't tell which was which. And the Czar was for God, and King George was for God, and everybody was for God. No wonder God got all mixed up and didn't know which side he was on. Nonsense! Why, Christians have been fighting forever, haven't they, since there has been a Christian? Look at the Crusades; look at every war that has happened on the earth since Christianity. Now I am not blaming Christianity. Human beliefs do not reach as deep as human emotions, do not reach as deep as human feelings, as deep as human hatreds and human love. Life rests on those; it doesn't rest on beliefs and fantasies.

Now, think this over a little bit, when you get a little time. Is this a good world? If it is there is no difference between good and bad, so why talk about it? Is it a bad world? If there is a difference between good and bad, much of it, at least, is horribly bad, and you can pray till the cows come home and it doesn't change. How many mothers filled the churches during the war, praying that their sons would get home safely? And how many of them died in agony and despair and never saw their home again? What has God been doing all through the troubled ages in which men have lived? What was he doing when men were crucified for their beliefs? They were killed through the middle ages by the hundred thousands because they didn't believe in a particular kind of God. What was he doing?

He must be there because everything was so bad, but he must be there because everything was so good. They haven't got a scrap of evidence, not one little wee particle of evidence; you just say it because you want it to be true. The thing is true because you want it!

Now, let us see; my friend is a very able man; he is a logician, and then he asks, if you are discussing the question of God, is it up to *you* to prove there is one, or is it up to *me* to prove there isn't? Now, any logician knows better; he affirms there is; give me one

scrap of evidence. It is not up to me to prove *the blank;* I wouldn't undertake it anyway, because that is a subject nobody can possibly fathom. First causes cannot be reached by human intellects, if there are such things as first causes.

Now, I don't know; my friend seems to be somewhat of a mixture of scientific thought. He is honest enough and intelligent enough not to ignore science, but if it comes to science and theology, why he is very strange on the theology. Has Eddington or any of these men changed the theories that have been coming for years about matter? I say no. True, we used to believe in the atom as the last unit. That is not true, because they have discovered that the atom is made of something else; they call them electrons; they are electrons and a nucleus, but they are just as hard and just as solid as they ever were. You can't make me believe that there is no such thing as what we call matter. When I sit down on a chair I feel the greatest confidence that something will stop me before I reach the floor. (Laughter.) There is not a word in any of these men that he quoted that upholds the theological views of the world, not a single word, and I am pretty familiar with most of them.

After we get through, I want you to tell me, Doctor MacGowan, where I can find that quotation from Steinmetz; but you needn't bother now. I can't believe it. It can only be explained in two ways; one is that he meant something entirely different from what you people mean, and the other is that he was losing his mind when he died.

Now, I will tell you why I say it; he was one of the greatest scientists that ever lived; no doubt about it. He was an unbeliever all his life—all his life. Of course histories are full of unbelievers that died Christians, but practically all of them denied. Now, I don't mean to tell you that I don't believe yours. I have heard of Bob Ingersoll's repenting before he died, and yet the very people that lied about him knew that he didn't have time to repent, for he dropped dead. (Applause.)

For a lifetime Steinmetz was a wizard in electricity, a thorough materialist, an ardent socialist—and very few of them are anything else, although some of them are—very few—and I have difficulty in believing that he ever said any such thing, although it might be so—it might have been published. I know it has, because my friend said it has. I would like to have held an inquest on his sanity when he died.

Now, what else? He says he believes in the soul. What does he know about the soul? What does the man say when he says he believes that you have a soul? Is it anything but a word? What does he mean by it? Where does the soul come from? We know where life came from; we know it came from the union of a spermatozoon with a cell, and from that kind of a union, life came; if it was

that kind of a cell, it came into existence, and we know that with death or accident or disease, the cells break apart and the person is known no more.

I tell you it is not possible. I don't blame anybody for wanting to see Mary Jane in heaven; I don't blame them. I know some people that I would like to see myself, and some that I wouldn't. But I know it is an absolute impossibility. Let me ask you—just go home and think about it, if you want to. If it makes you unhappy, shut it off. You are going to heaven, are you? Where is it? Did you ever hear of anybody going and coming back? What is your soul? It is not matter, evidently. Just what? Did anybody ever hear of intelligence disconnected with a brain and a nervous system? It is utterly unknown in human life; there is no such thing, so far as I know.

Let me ask you this question, and I want you to think it over for half a second—that is long enough—and then if you want to claim that you believe something entirely impossible, go ahead with it; you can't get too much pleasure out of life—go to it and get some fun out of it. Suppose someone told you you were going to Kamchatka next week and you were going to stay a week, and you had to go. What would you do? You would look up a book that tells something about Kamchatka. Yes, and you would go to a railroad office or a steamship office and find out what kind of people live there. You would want to know all about the country.

Now, let me tell you Christians—I have no objections to Christians except that most of them aren't, but let me ask you to be honest about it. Suppose a doctor comes and tells you that something is terribly wrong with you and you had better make your will, because within one week you are going to Goofville; you were not going to take your body with you, but you were going; leave your body here and start off to Goofville. You are not going for a year, but you are going for all eternity. Millions and millions and trillions of eons in Goofville. Don't you suppose you would try to find out where Goofville was and where you were going and how you were going; whether you were going by airplane or submarine or ship or railroad, or going to walk? And what are you going to take? You don't take your body. So a man, it seems to me, must be plumb crazy to talk about it.

Now, everybody knows that if they believed that there was such a place, they would try to find out where it was, wouldn't they, and how they get there. Somewhere in heaven! Where is heaven? Ninety-five million miles from here to the sun, and you haven't started! When you get out a ways it is as cold as the most frigid winter, black as night, groping through darkness to nowhere. Tell me that there is any sense in it! It is a vain, vague, insane dream, born of hope and fear.

Now, I don't want you to wake up; if you want to believe in

it, believe in it if you can, but you don't. The most ardent Christia in this audience doesn't believe in it. Let me prove it. You are gc ing to be happy when you get to heaven. Suppose you had a cance —I am crazy about cancer (laughter). They show the goodness c God for making us unhappy so that we can be happy. That i what we need, is to be unhappy, for we all have a plenty.

Now, let's see, suppose you have a cancer and you paid out al your money; and suppose you are a Christian and you prayed unti you are black and blue in the face, and your wife and your childrei and your husband and your neighbors prayed too, and they have : prayer for you in church, and everybody is praying, and the docto is working. And you have got religion and you know you are going to heaven; you know you are going to heaven, and you go and ge an operation and suffer agony so that you will live a little longer ir hell. And you hear of all kinds of doctors, and you try them, ever down to Christian Science, and still you are in torture. And you go all over the world and get cut to pieces by inches so you can live a week longer, suffer pain and torture, rather than go to a heaven and be happy. Now, explain it! There isn't a thing in it except the dread of death and the hope that springs eternal, that's all.

I used to want to live forever—I can't say I have entirely got over it, and be honest, and I want to be perfectly honest with you as I understand it—I have absolutely given it up.

My friend gives his religious experiences. It is funny how many of these preachers used to be atheists, especially how many of those with whom I have debated. Some of them I have doubts about, but not this one. There are more preachers who have been atheists, and if I was a father to a young man I would wish that he would be an atheist, so he would become a preacher. (Laughter.)

But I never was a Christian in the sense we call a Christian, in believing in a heaven and having a definite belief in a God and a Savior. I never did, but I used to want to believe I could live forever. It is a long time; it would be pretty horrible if you couldn't die if you wanted to. But that is still another thing. Things are not this way or that way because we want them; they are just this way or that way because they are this way or that way, that's all. I have given it up, and I have had more consolation and peace since I have given it up, and I have had more peace than I ever had while I was trying to believe in it. That is just what you Christians are doing this minute, you are trying to believe in it, but there is not a scrap of evidence that is not violation of all human reason and all human experience. I don't want to make you unhappy; I honestly believe you would be happier if you gave it up.

What is all this about higher and lower; which way is higher and which way is lower? Blamed if I know. My friend looked up when he said higher, and down when he said lower. When he gets up, answer me—the world will have moved several hundred thou-

sand miles, and so he had better look down when he says higher and up when he says lower. Does it mean anything other than words? That is all, just words. Why do you suppose God is so almightily interested in whether we are higher or lower? If he wants us higher he can do it; if he wants us lower he can do it, and if he is right it is none of our concern.

And this other idea, free will. Whoever knew anything about free will? Did you manage to get yourself born? That is pretty important. If you didn't do that you didn't do anything. Did you pick out your parents so that you could have money or education? Did you tell how big a brain or how fine a one you would have? Did you choose that? Did you choose whether you would be lame or halt or blind? Did you have that choice? If you are rich, was that because you had the free will to get it? If your health is good, was that free will or luck? If you are happily married—well, if you are! (Laughter.) Did the husband and wife come together by will, or did they happen to be crossing a street at the same time, and meet? What was it? Free will? A man has no more free will to do with himself than a wooden Indian has to do with it. We are born without effort, we die without our free will; you haven't any free will when it comes to dying. We die against our will. Most of us are poor against our will; most of us have pain and suffering when we will to have happiness. Friends we love most die and leave us, deserted and alone. When you live to the time that I have lived, almost everyone that you knew in the vigor of your manhood is dead. When you think about it, what do you know about free will? Free will is a misnomer and a nonsensical idea. Nietzsche says that free will is invented for giving God an excuse for damning man. If he is bad it must be because he wanted to be bad; therefore you justify God.

We are just like all the rest of "creation"; we come and we live and we have our joys and our sorrows, our brief triumphs and our bitter despairs, and we die, and we are not consulted; we are not bidden to the feast of life; we are not asked whether we desire to die; we are moved here and there by every breeze that blows, in spite of our strongest inclination or our deepest desire, and we haven't a single thing to do about it. (Applause.)

AFFIRMATIVE SUR-REBUTTAL

Dr. MacGowan: The Steinmetz quotation may be found in one of two books, for certain. I would imagine that it is in Brightman's book—Brightman, who is the University of Boston philosophy professor, and I am now reviewing the book for Carnegie Library and it will be on the shelves, if I am not too lazy, within the next few days. And the other book—this next one is fifteen cents, but it is a wonderful compilation of essays on "What Religion Means to Me,"

from every point of view except your own, Mr. Darrow, and it is a wonderful book, but I will get it for you and see that it is put in your hands. You will get it right there in one of these two books.

Now, an agnostic. Was I wrong in talking about an atheist, a materialist? He is talking to you about free will. He is not questioning free will; he is saying there is no such thing. What is that? That is not an agnostic. When you talked to these people about heaven, do you know what you said? You said, "I know that it is an absolute impossibility." Now, what is that? That is atheism.

Mr. Darrow: If I said that about God, it would be.

Dr. MacGowan: No, no, that is about heaven; that is the approach of atheism to heaven. So that you can't call yourself, afte all is said and done, an agnostic.

And you say that God is a blank. My, but you are desperately interested in a blank. Why do you come here and talk about a blank? Men don't shoot sparrows. (Laughter.)

Maybe I am wrong in getting into the argument at all, but go and tell them, Mr. Darrow, I am not scared, because the trend is that maybe He is here to take the blank out of your mind and serve humanity in doing it, and making you believe that way.

But I believe—this man's father was a Unitarian preacher—I believe that there is a religious complex in that man's nature. I would like a psycho-analyst to get hold of him. The fact that he comes here to discuss religion at all is a backhand compliment to the thing for which I stand.

Now, about Christians all being at war. I wonder if he has heard about the company, when they were called out, company after company; they were called out and cut down by the Emperor, for what they stood; for that cause they would not fight. Not always have they stood for war. May war become impossible as the centuries go by.

Religion without heaven; is it possible? Why, certainly. How much heaven did you hear about in the Old Testament? Very, very little. Even Jesus does not lay the emphasis altogether on that subject. The point is this, that it is best to live, even if you think about it not at all. So it is better to live no matter what the eventuality may be,

You remember Butler, how he directed his thoughts toward God. He began with one word, probability. He said "Probability is the guide of life," and from that probability it is true—it may possibly be true.

The Court Jester! I have worn the fool's hat, Master, for long. And you are dying; you are going on a long journey, Master, and he has made no preparation; he has no food for the way, no horse

for the way, nothing, nothing. What do you think of that man? Fool he is. Well, sir, take my mark, you are that fool. The king had made no preparation for that journey. I don't care a snap; let there be no heaven; it will be better anyhow at the end of the day to have lived the right life.

If I had been you and if I had conducted your argument I would have dismissed the thought of heaven with a puff of my breath and have said, "So much for that!" and gone on about something far more important. Nobody wants to think about it, anyhow. There you are.

There are three eras for mankind throughout the centuries. The first is man mistakes himself for God. That is what mutiny may do; that is what the Kaiser did; he mistook himself for God.

Secondly, they mistake their bodies for their souls, and they live for their appetites. That is hell.

And thirdly, they mistake time for eternity. Better is it that man should say, "Let this be the preparation for something better, even if it only be a better generation that is to come after me."

What substitutes have we had tonight for what I have offered you? Tell me? What substitutes for your mind, for the heart of you that waits to be satisfied?

This omission that I talked about to begin with, what have you to offer? I don't know. My heart would still be hungry and my brain would be clamoring for its sense of finality. Was it talked about protection? We made no argument on protection, we made no argument about the finite or infinite, that was not in the substance, but if you like perfection in the mind as a dream, for the imagination, to stir men on to better things, you reformers, you men who are working for the improvement of the classes.

One thought more and I will finish. I have been reading Dr. Cotton's book on Bishop Laud, in the early 13th century in England. Bishop Laud was a dictator, a tyrant, and he would drive men into the kingdom of the church, and the poor Quakers, oh how they suffered, and the Puritans, alas and alack for them. And so they coined a phrase for him, and they said "Jesus was the lamb of God; behold the lamb of God," but they said, "Lord Bishop Laud, the ram of God; behold the ram of God." I like to think of it that way. Now wait, Mr. Darrow, I don't mean it as an insult—you Protestants and Catholics, to ram you into sensibility and tolerance—but to lead you into a deeper study and clearer understanding. I am glad some of you are here to get that impact and to strengthen you that belief is not the easy thing that some people say.

With labored steps we slowly swing along the way,
Seeking the soul not all men know,
And of the weary wait while the shadows grow,
Trusting hard that the morn will show,
A clearer road to the hills of God.

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Clarence Darrow

INCLUDING EXPRESSIONS OF FAITH FROM A PROTESTANT, A CATHOLIC AND A JEW

AN EXPERIMENT IN FRATERNITY

Bishop Edwin Holt Hughes, Protestant
Clarence S. Darrow, Agnostic
Judge John P. McGoorty, Catholic
Rabbi Jacob Tarshish, Jew

By George G. Whitehead

It was my privilege to direct a religious forum in Memorial Hall, Columbus, Ohio, March 12, 1929. Outstanding representatives of three great faiths, with America's foremost Agnostic completing the quartet, were presented under the same roof and from the same platform. Each speaker gave in 30 minutes the reason for his belief, or lack of it.

Dr. William Oxley Thompson, president emeritus of Ohio State University, was chairman of the meeting. The official attendance

was 4,257, in an auditorium with a natural capacity of 3,661. All permissible stage seating and standing room were utilized, and many were turned away. It was one of the largest and most representative groups ever assembled in historic Memorial Hall. Patrons came from a radius of 100 miles.

The crowd, which never wavered in its attention, represented a fair cross-section of middle-state people—the sort of cross-section found in street car, department store, theater or office building. There were Protestants, Catholics, Jews and Agnostics, and all gave their undivided attention to each speaker in his turn: They applauded the evident sincerity of Bishop Hughes. They laughed spontaneously at Mr. Darrow's characteristic onslaughts. They rose willingly to a comprehension of the faith of Judge McGoorty. And if they applauded longer and louder for Rabbi Tarshish, it probably was an evidence of well-placed local pride.

The order of the speakers was determined by lot, immediately preceding the forum, and the addresses, stressing Protestant prosperity, Agnostic doubt, Catholic infallibility and Jewish pride, were delivered in the routine here published.

WHO'S WHO OF FORUM SPEAKERS

BISHOP EDWIN HOLT HUGHES, champion of Protestantism, is a native of Moundsville, W. Va. He holds degrees from West Virginia University, Iowa College, Ohio Wesleyan University, Boston University, Syracuse University, DePauw University and the University of Maine. After being ordained in the Methodist Episcopal ministry in 1892, he became a pastor at Newton Center, Mass., and from there went to Malden, Mass. He was president of DePauw University from 1903 to 1908, and went from that position to the Methodist bishopric. He is author of "Thanksgiving Sermons," "The Teaching of Citizenship," "A Boy's Religion," "The Bible and Life," "God's Family" and other religious books.

CLARENCE S. DARROW, whose name immediately brings up recollections of Loeb and Leopold, the McNamara Brothers, John Thomas Scopes and others who have been defended by his legal genius, told his Columbus audience why he is an Agnostic. Originally Mr. Darrow came from Trumbull County, Ohio, where he was born in 1857. He studied law in the office of a justice of the peace, and was admitted to

the bar shortly after he became of age. After serving one corporation, the Northwestern Railway, he changed the type of his practice, and since that time has represented some of the most notable defendants in all legal history. In fact, the participation of Mr. Darrow has made his cases internationally significant. The only public office he has ever held was as a member of the Illinois legislature. In recent years Mr. Darrow has devoted less time to the practice of law, and more time to writing and public speaking, both of which he thoroughly enjoys.

JUDGE JOHN P. MCGOORTY, the Catholic speaker, is—like Mr. Darrow—a native of northeastern Ohio who has achieved considerable fame in the legal profession. He was born in Conneaut, Ohio, and was reared in Wisconsin. After graduating at the Chicago Law College in 1892, he practiced his profession in Chicago. In 1896 he was elected to the Illinois legislature, and was re-elected in 1898, 1904 and 1906. Since 1911 he has served with distinction on the Chicago bench. He was elected circuit court judge in 1911, and re-elected four years later. He was chief justice of the circuit court. He became judge of the appellate court of the first district of Illinois

for a term of three years, from 1915 to 1918. Since that time he has been on the Superior Court bench in Chicago.

Representing the Jewish faith at the Columbus forum was RABBI JACOB TARSHISH, a native of Baltimore and the son of a Hebrew professor. He received an A. B. degree from the University of Cincinnati in 1914, and a Rabbinical degree from Hebrew Union College in 1915. He received an M. A. degree from Lehigh University, and studied for his Doctor of Philosophy degree at Columbia University and Ohio State University. He went to Columbus, Ohio, in 1922, after serving at Allentown, Pa., and Yonkers, N. Y. He conducts radio services at Temple Israel, Columbus, each Sunday morning, through Station WAIU. He is actively identified with the Chamber of Commerce, the Library Board and many other civic organizations in Columbus, and has spoken before practically every type of audience in his home city.

WHY I AM A PROTESTANT

Bishop Edwin Holt Hughes,
Methodist Episcopal Church

Mr. Chairman, Ladies and Gentlemen:

We are not here tonight for the purpose of seeing which horse may come first under the wire. We should rid our minds of the race-track idea and should keep the thought that we are to confer about several possible roads of life. This is not a debate; it is a conference. We are not to answer each other, but to tell each other. Consequently, my own part in the program has been strictly prepared, and I trust that the manuscript would show that I have not had the spirit of the demagogue seeking to win applause by plain ridicule or doubtful humor, but rather the mood of a man who has a strong conviction and who is ready to give a positive and constructive witness for the faith that is in him.

I need not halt to say that the significance of the word "Protestant" is far broader than its etymological meaning. A Protestant is not one who merely protests any more than a Catholic is one who merely universalizes. A Methodist is quite more than one who methodizes;

a Presbyterian quite more than a Presbyter, an older man; and an American quite more than a political descendant of Amerigo Vespucius! We are not here to discuss verbalisms. Perhaps it is a limitation that two of us, standing tonight for the Christian faith, are put in a position where our final word must be a statement of two differing schemes of the working out of that faith. But this can be done with courtesy. I do not hesitate to say that my Catholic friend, his high character and his fine service as a citizen, gives me the confident conviction that, if I am faithful, I shall meet him finally in the forum of infinite truth where all our differences shall be harmonized in the love of Christ.

It would doubtless not be sportsmanlike for three champions of theism to combine in an overdone attack upon a lonely Agnostic, even though the Agnostic may feel that the unexplained riddle of his own powers may enable him to take good care of himself! Admitting all the mysteries of the theistic position, I may say that our opposing friends do not get rid of those mysteries. When Spencer in his "First Principles" states the difficulties, and, as he would claim, the possibilities, involved in the questions of eternity and of power, he states

two alternatives, one of which must be true. Either matter is eternal or God is eternal; or both are co-eternal. No man escapes the problem. The great thinker said that nothing is more certain than that "we are ever in the presence of an infinite and eternal energy from which all things proceed." However one may define that energy—mechanism, vitalism, holism, or God—the mystery abides. When a man dismisses a conscious and intelligent person from the throne of the universe and brings in an unconscious and mechanical force, he does not rid himself of the mystery. Rather does he increase that mystery. He puts aside vast evidences of purpose and devotes himself to the consideration of occasional freakishness. It is just as reasonable to say that a book with its ordered pages and paragraphs came without the plans of writer and typesetter and binder as to say that this body with its millions and millions of cooperating cells came from an unthinking World Ground. This, to one who holds the primary faith of Jew or Catholic, or Protestant, is the final unreason. We believe, therefore, that Agnosticism is the evasion of the supreme question of life, and that it fails in that glorious adventure wherein

the intellect of man is joined by his sensibilities in the demand for the living God.

I am likewise sure that the two of us who stand for the Christian faith recognize our common heritage from the faith of the Jews. We rejoice in the fact that Abraham towers in the field of history and of thought. In the necessity of the case there must have been a man who broke away from the superstitions of polytheism and so found his way into the rapture of the One God as to go out on holy errands for his faith. We rejoice that Jews, Mohammedans and Christians all unite in confessed obligation to Abraham, the Father of their spiritual multitudes. Beyond this, we are glad that the Old Testament and the New Testament are bound together in our Christian Bible. But we do believe that our faith makes clearer the prophetical promises of redemption; that it brings God closer to the common experience of life; and that Jesus really added vast things when He kept saying—"Ye have heard that it hath been said by those of olden time; * * * but I say unto you."

More general appraisals of the Jewish faith are not easy. It presents an altogether peculiar relation of race and religion, so that it is often difficult to tell where one ends and the other

begins. Also, it has not had in the modern era much separate and corporate expression of its own influence and life, inasmuch as its people have not usually been the majority in any nation and so have had their achievements mingled with those of other races and faiths. But let it be freely and gladly allowed that under the power of its thought of God it has made genuine contributions to education and finance and character; that it has maintained generous philanthropies, especially among its own people; and that we confess with it a genuine spiritual kinship.

Then we can fairly add that Christ put into his followers an amazing dynamic and a promise of personal power and presence that quickly sent St. Paul upon heroic journeys and has continued through the years to send believers out to farthest frontiers of need where walls of superstition were heaviest and darkest. The faith of Christ has literally started many armies of men and women out to ford the last river, to climb the last mountain, to cross the last sea, and to find the last man in order that in a deep way it might make Jerusalem the joy of the whole earth and bring in the day foretold by Jewish prophets, when the knowledge of the Great God should cover that

earth as the waters cover the sea. Believing that the Christian faith gathers into itself the glory of the Hebrew revelation and fills it with new grace and new power that it may go out to take the world for a redeeming God, we gladly accept Christ's invitation to come from the East and the West and the North and the South and to sit down in the kingdom of heaven with Abraham, Isaac, and Jacob.

Let me continue with the apparently superficial statement that I am a Protestant because I was so born and so reared; and let me frankly admit that this lonely statement could be readily attacked. It needs some supplements. Many thousands of men have crossed the lines of their religious nativity. Romanes went from Christianity to Agnosticism and, finding only barrenness there, swung back again to a vigorous and vital Christian belief. St. Paul, like many thousands of persons who were born Jews, passed over into the ardor of the Christian faith—while Judaism has often had an open gate through which, first and last, proselytes have entered. Martin Luther, with many others, passed from Catholicism to Protestantism. Cardinal Newman, with many others, passed from Protestantism to Catholicism. From each of the standpoints

represented in this discussion men have changed to each of the other standpoints. Evidently, therefore, there are often considerations stronger than the prepossessions of nativity; and every thoughtful man will insist that his faith shall have a firmer foundation than a rocking cradle! None the less, the domestic heritage is not one to be tossed aside lightly. Our fathers and mothers are within proper limits evidences of a faith. Often they hold us, not so much by formal arguments, as by the living credentials of their own hearts and lives. We saw so much of their integrity, love, devotion, sacrifice, that they became to us at least minor proofs and major prophets of their religion. We passed from their immediate influence, not to forsake them in a bumptious independence, but rather to discover whether the wider world would add to the arguments for their faith.

Beyond this, the domestic heritage has a peculiar meaning for a Protestant. Without my choice, I was born outside the Catholic faith. All my forbears, reaching back into the third previous century, have held the evangelical faith. It follows, of course, that my only way into the Catholic fold could be chosen by my private judgment. Since I was born and

reared outside a recognized religious authority, you must convince me that such an authority exists. You cannot ask me to accept authority on the basis of its authority! You must assure my personal judgment that official infallibility in faith and morals exists, ere you ask me to confess that infallibility. There is absolutely no other road for me from Protestantism to Catholicism than the road of my private judgment. But if my private judgment must have a primacy in determining the total scheme of religion to which I submit myself, why is it afterward to be denied its legitimacy in the higher ranges of faith and morals? It seems like a strange and contradictory thing to try to convince a man's private judgment that henceforth, in the most important and sweeping decisions of life, it is to have no judgment. It is like telling reason that it has a right to reason reason out of reason; or telling judgment to determine by judgment that it must surrender judgment!

You will thus see, ladies and gentlemen, that the statement that a man is a Protestant because he was born one, needs some important supplements, and involves for him a personal primacy of judgment stoutly denied by a religion of authority.

(2) To pass to the wider considerations, the Protestant firmly believes that he finds the evidences for his faith in the larger outcomes of life beyond the home. In some of these investigations he finds himself in company with his Catholic brother. We stand together in a thousand charities. Atheism, materialism, agnosticism are not great builders of Old People's Homes, or Orphanages, or Hospitals. Brotherhood without fatherhood seems to be both difficult and inefficient. But the two forms of Christianity have joined the Carpenter of Nazareth in erecting places of gentle mercy and have scattered over the wide earth the institutional evidences that the heart of their religion is love.

Thus we walk in company along many beautiful ways. But directly we come to some tragic separations. Certain edicts make it impossible for us to worship together; and these same edicts provide that when we go down into our graves the fence of division shall still be builded. I am a Protestant partly because those edicts have not been issued from our headquarters; partly because I may freely go to any Catholic places of worship without ecclesiastical hindrance; partly because there is nothing in my creed or in my religious com-

munion that keeps me from recognizing the true Church of Christ wherever good and pious souls gather in the Holy Name. I am a Protestant partly because I do sing freely in our own services Newman's "Lead kindly light amid the encircling gloom," and Faber's "Faith of our fathers, living still," and appropriate for my soul's good many other touches of Catholic song and devotion. I still entertain the hope that some day the hearts of our Catholic comrades may often express themselves in Charles Wesley's "Jesus Lover of My Soul," or in that lyric of Christian challenge produced by Dr. Gladden, a Columbus pastor, "O, Master, let me walk with Thee, in lowly paths of service free."

In other and shorter words, I am a Protestant because as a Protestant I can be more really Catholic.

I am a Protestant, also, because my study of four centuries of history convinces me that my faith has an efficient relation to popular prosperity. There are countries that are overwhelmingly Protestant, and other countries that are overwhelmingly Catholic; and these may be compared and contrasted. In doing this, we may carry the emphasis too far. Perhaps in recent years there has been a tendency

in some quarters to make the Christian Temple an annex to the Market, and to judge of its worth too much in economic terms. Material values are not the premier effects of Christianity; but in a familiar word Jesus classed them as important by-products—"Seek ye first the Kingdom of God and his righteousness, and all these things shall be added unto you."

Again we need to avoid what the logicians call "the fallacy of the universal." In both the religious camps we could find individuals of large wealth; in both camps we could doubtless find some whose wealth did not stand wholly for fine character—whether in the manner of getting or in the mood of giving. We avoid the possible fallacy by using the broader method. Take the economic tables of the nations and lay them side by side—the Catholic in one group, the Protestant in the other. Strike your aggregates and likewise your results. After allowing all of the factors that enter into the problem, such as the destructions of war and the natural lack of large economic possibilities, the balances are surely on the Protestant side of the ledger.

May I not say, as well, that this feature of the case has a marked application to the United States. Here, from the beginning of our coun-

try's great growth, there has been a decided preponderance of Protestants. Even now, on the best figures obtainable, our Catholic friends make not over one-sixth of our population. The other five-sixths are not all even formally Protestant; but the vast majority of them are such. Our national leadership has been largely of that faith. When Cardinals from foreign countries came to the Eucharistic Congress, they did not hesitate to laud our land for its wonderful achievements. We are today the richest nation on earth; and perhaps the richest nation that God has ever had in the world's history. The predominant religious faith of our people has not worked toward economic destruction, or even to economic mediocrity. It would be unfair for us to claim all the credit for the mighty achievements in subduing a wild continent and in producing at last an economic system characterized more and more by ethical justice and democratic opportunity; but we can certainly claim that in a predominantly Protestant land the tables of individual and corporate prosperity are not without their lesson. Nor can it be said that we have been mainly worshippers of the Golden Calf. The United States has never had a permanent commercial hero. All the millionaires

of this day stand, in the estimate of the people, on levels far below Abraham Lincoln.

I am a Protestant because all my study of individual and national life convinces me that the free evangelical faith is the producer of democratic education. Being willing to admit cheerfully that in the Dark Ages the lights of learning were kept burning in the Monasteries and that through the modern period Catholicism, both Greek and Roman, has sedulously educated its leaders, I must still claim that in all their lands there has been a comparative failure in the diffusion of learning. Wherever Catholicism of either type has met the competition of a considerable Protestantism, it has done some excellent educational work. Yet in the lands where it has had the dominant sway, the figures of illiteracy are are often appalling. There is no land on earth, having Protestantism as the major faith of the people, where the vast proportion of the population does not read and write. It might be deemed ungracious to give the specific statistics from the latest sources; and the facts would doubtless be somewhat questioned. Let me, therefore, ask the members of this audience to begin the study for themselves. Make two tables, one showing the heavily Catholic

lands; one showing the heavily Protestant lands. Put Spain, Mexico, Italy, the South American Republics, and even France in one list; put Sweden, Norway, Denmark, England and the United States in the other. Or if you wish to make the test where somewhat similar climatic and social conditions prevail, compare the Austria that was with the Germany that was; compare Holland and Belgium; compare Switzerland and Italy. Personally, I am not willing to declare that the dark figures stand for a deliberate program based on the idea that illiteracy is the mother of devotion. That harsh charge I would be slow to admit. But I do affirm that the tables prove that Protestantism has somewhere gotten that peculiar intellectual idealism that has made for popular education. It is no full defense against this general statement to say that Catholicism has held the lands where conditions made the teaching of the people difficult. Why did it get and keep those lands? And why is it that in the second generation of Protestant converts, thousands of them being in Mexico and the Philippines, illiteracy practically disappears? The Protestant faith which has stood for a democratic access to God through Christ

has likewise stood for a democratic access to education.

In the final place, I am a Protestant because study again convinces me that the Protestant system of emphasis and worship produces on the average the best characters. Again I would avoid the fallacy of the universal. Both systems have produced wonderful men. There are canonized Catholic saints and uncanonized Protestant saints. Above our poor spiritual averages, St. Francis and John Wesley both rise like mountains. When once an English Cardinal declared that Protestantism did not produce saints, he was speaking either mistakenly or technically. Those of us who have lived in the Protestant fold have found genuine saints in every place and congregation, men and women against whom the most efficient devil's advocate would have difficulty in making a successful plea. They walk unheralded the ways of quiet service and often show, like Moses, the glory of the shining face when they themselves are beautifully unconscious of it all.

Negatively we may make a claim, as well. The statistics of wrong-doing do not put Protestantism to the blush. Nor do the records show that any undue proportions of the lawless

were tutored in our Protestant Sunday Schools and Churches. There is always a danger that a heavy stress upon a sacramental or sacerdotal system may mean a lighter stress upon reverent and righteous behavior. The Church may be in some real sense a refuge for sick souls; but when too many such appear upon the lists of suspicion we have the right to question the religious regime that had the molding of their impressionable days. If, in the long run, the test of a system be the man it produces, Protestantism may claim, at the least, that the methods of her freedom have not failed in the making of character. Her roll of great saints is long and glorious; and her roll of saints, hidden from fame but well known to God, will join their illustrious comrades as evidences that she has not failed in the main business of a church of God.

Tonight I make no wide appeal to the cloud of witnesses. I am presuming that all the three forms of faith presented here could bring an army of good confessors. But I may, in closing, add my testimony to my observation and say in humility of heart that in the Protestant fold I have found freedom, faith, peace, hope, redemption; and that because of the reasons that I have given and of the inner

belief that anchors my spirit, I confidently expect at the last to pass my soul up to God and Father of our Lord Jesus Christ, amid the cheering assurances of my fellow-confessors, but without the mediation of an ecclesiastical monarchy.

WHY I AM AN AGNOSTIC

Clarence Darrow

An Agnostic is a doubter. The word is generally applied to those who doubt the verity of accepted religious creeds or faiths. Everyone is an Agnostic as to the beliefs or creeds they do not accept. Catholics are Agnostic to the Protestant creeds, and the Protestants are Agnostic to the Catholic creed. Anyone who thinks is an Agnostic about something, otherwise he must believe that he is possessed of all knowledge. And the proper place for such a person is in the mad-house or the home for feeble-minded. In a popular way, in the western world, an Agnostic is one who doubts or disbelieves the main tenets of the Christian faith.

I would say that belief in at least three tenets is necessary to the faith of a Christian: a belief in God, a belief in immortality, and a belief in a super-natural book. Various Christion sects require much more, but it is difficult to imagine that one could be a Christian, under any intelligent meaning of the word, with less. Yet there are some people who claim to be Christians who do not accept the literal interpretation of all the Bible, and who give

more credence to some portions of the book than to others.

I am an Agnostic as to the question of God. I think that it is impossible for the human mind to believe in an object or thing unless it can form a mental picture of such object or thing. Since man ceased to worship openly an anthropomorphic God and talked vaguely and not intelligently about some Force in the Universe, higher than man, that is responsible for the existence of man and the universe, he cannot be said to believe in God. One cannot believe in a force excepting as a force that pervades matter and is not an individual entity. To believe in a thing, an image of the thing must be stamped on the mind. If one is asked if he believes in such an animal as a camel, there immediately arises in his mind an image of the camel. This image has come from experience or knowledge of the animal gathered in some way or other. No such image comes, or can come, with the idea of a God who is described as a force.

Man has always speculated upon the origin of the universe, including himself. I feel, with Herbert Spencer, that whether the universe had an origin—and if it had—what the origin is will never be known by man. The Christian

says that the universe could not make itself; that there must have been some higher power to call it into being. Christians have been obsessed for many years by Paley's argument that if a person passing through a desert should find a watch and examine its spring, its hands, its case and its crystal, he would at once be satisfied that some intelligent being capable of design had made the watch. No doubt this is true. No *civilized* man would question that someone made the watch. The reason he would not doubt it is because he is familiar with watches and other appliances made by man. The savage was once unfamiliar with a watch and would have had no idea upon the subject. There are plenty of crystals and rocks of natural formation that are as intricate as a watch, but even to intelligent man they carry no implication that some intelligent power must have made them. They carry no such implication because no one has any knowledge or experience of someone having made these natural objects which everywhere abound. To say that God made the universe gives us no explanation of the beginning of things. If we are told that God made the universe, the question immediately arises: Who made God? Did he always exist, or was there some power

back of that? Did he create matter out of nothing, or is his existence co-extensive with matter? The problem is still there. What is the origin of it all? If, on the other hand, one says that the universe was not made by God, that it always existed, he has the same difficulty to confront. To say that the universe was here last year, or millions of years ago, does not explain its origin. This is still a mystery. As to the question of the origin of things, man can only wonder and doubt and guess.

As to the existence of the soul, all people may either believe or disbelieve. Everyone knows the origin of the human being. They know that it came from a single cell in the body of the mother, and that the cell was one out of ten-thousand in the mother's body. Before gestation the cell must have been fertilized by a spermatozoon from the body of the father. This was one out of perhaps a billion spermatozoa that was the capacity of the father. When the cell is fertilized a chemical process begins. The cell divides and multiplies and increases into millions of cells, and finally a child is born. Cells die and are born during the life of the individual until they finally drop apart, and this is death.

If there is a soul, what is it, and where did it come from, and where does it go? Can anyone who is guided by his reason possibly imagine a soul independent of a body, or the place of its residence, or the character of it, or anything concerning it? If man is justified in any belief or disbelief on any subject, he is warranted in the disbelief in a soul. Not one scrap of evidence exists to prove any such impossible thing.

Many Christians base the belief of a soul and God upon the Bible. Strictly speaking, there is no such book. To make the Bible sixty-six books are bound into one volume. These books were written by many people at different times, and no one knows the time or the identity of any author. Some of the books were written by several authors at various times. These books contain all sorts of contradictory concepts of life and morals and the origin of things. Between the first and the last nearly a thousand years intervened; a longer time than has passed since the discovery of America by Columbus

When I was a boy the theologians used to assert that the proof of the Divine inspiration of the Bible rested on miracles and prophecies. But a miracle means a violation of a natural

law, and there can be no proof imagined that could be sufficient to show the violation of a natural law; even though proof seemed to show violation, it would only show that we were not acquainted with *all* natural laws. One believes in the truthfulness of a man because of his long experience with the man, and because the man has always told a consistent story. But no man has told so consistent a story as nature.

If one should say that the sun did not rise, to use the ordinary expression, on the day before, his hearer would not believe it, even though he had slept all day and knew that his informant was a man of the strictest veracity. He would not believe it because the story is inconsistent with the conduct of the sun in all the ages past.

Primitive and even civilized people have grown so accustomed to believing in miracles that they often attribute the simplest manifestation of nature to agencies of which they know nothing. They do this when the belief is utterly inconsistent with knowledge and logic. They believe in old miracles and new ones. Preachers pray for rain, knowing full well that no such prayer was ever answered. When a politician is sick, they pray for God

to cure him, and the politician almost invariably dies. The modern clergyman who prays for rain and for the health of the politician is no more intelligent in this matter than the primitive man who saw a separate miracle in the rising and setting of the sun, in the birth of an individual, in the growth of a plant, in the stroke of lightning, in the flood, in every manifestation of nature and life.

As to prophecies, intelligent writers gave them up long ago. In all prophecies facts are made to suit the prophecy, or the prophecy was made after the facts, or the events have no relation to the prophecy. Weird and strange and unreasonable interpretations are used to explain simple statements, that a prophecy may be claimed.

Can any rational person believe that the Bible is anything but a human document? We now know pretty well where the various books came from, and about when they were written. We know that they were written by human beings who had no knowledge of science, little knowledge of life, and were influenced by the barbarous morality of primitive times, and were grossly ignorant of most things that men know today. For instance, Genesis says that God made the earth, and he made the sun to

light the day and the moon to light the night, and in one clause disposes of the stars by saying that "he made the stars also." This was plainly written by someone who had no conception of the stars. Man, by the aid of his telescope, has looked out into the heavens and found stars whose diameter is as great as the distance between the earth and the sun. We now know that the universe is filled with stars and suns and planets and systems. Every new telescope looking further into the heavens only discovers more and more worlds and suns and systems in the endless reaches of space. The men who wrote Genesis believed, of course, that this tiny speck of mud that we call the Earth was the center of the universe, the only world in space, and made for man who was the only being worth considering. These men believed that the stars were only a little way above the earth, and were set in the firmament for man to look at, and for nothing else. Everyone today knows that this conception is not true.

The origin of the human race is not as blind a subject as it once was. Let alone God creating Adam out of hand, from the dust of the earth, does anyone believe that Eve was made from Adam's rib:—that the snake walked and spoke in the Garden of Eden—that he tempted

Eve to persuade Adam to eat an apple; and that it is was on that account that the whole human race was doomed to hell:—that for four thousand years there was no chance for any human to be saved, though none of them had anything whatever to do with the temptation; and that finally men were saved only through God's son dying for them, and that unless human beings believed this silly, impossible and wicked story they were doomed to hell? Can anyone with intelligence really believe that a child born today should be doomed because the snake tempted Eve and Eve tempted Adam? To believe that is not God-worship; it is devil-worship.

Can anyone call this scheme of creation and damnation moral? It defies every principle of morality, as man conceives morality. Can anyone believe today that the whole world was destroyed by flood, save only Noah and his family and a male and female of each species of animal that entered the Ark? There are almost a million species of insects alone. How did Noah match these up and make sure of getting male and female to reproduce life in the world after the flood had spent its force? And why should all the lower animals have been destroyed? Were they included in the sinning

of man? This is a story which could not beguile a fairly bright child of five years of age today.

Do intelligent people believe that the various languages spoken by man on earth came from the confusion of tongues at the Tower of Babel, some four thousand years ago? Human languages were dispersed all over the face of the earth long before that time. Evidences of civilizations are in existence now that were old long before the date that romancers fix for the building of the Tower, and even before the date claimed for the flood.

Do Christians believe that Joshua made the sun stand still, so that the day could be lengthened, that a battle might be finished? What kind of person wrote that story, and what did he know about astronomy? It is perfectly plain that the author thought that the earth was the center of the universe and stood still in the heavens, and that the sun either went around it or was pulled across its path each day, and that the stopping of the sun would lengthen the day. We know now that had the sun stopped when Joshua commanded it, and had stood still until now, it would not have lengthened the day. We know that the day is determined by the rotation of the earth upon its axis, and not

by the movement of the sun. Everyone knows that this story simply is not true, and not many even pretend to believe the childish fable.

What of the tale of Balaam's ass speaking to him, probably in Hebrew? Is it true, or is it a fable? Many asses have spoken, and doubtless some in Hebrew, but they have not been that breed of asses. Is salvation to depend on a belief in a monstrosity like this?

Above all the rest, would any human being today believe that a child was born without a father? Yet this story was not at all unreasonable in the ancient world; at least three or four miraculous births are recorded in the Bible, including John the Baptist, and Samson. Immaculate conceptions were common in the Roman world at the time and at the place where Christianity really had its nativity. Women were taken to the temples to be innoculated of God so that their sons might be heroes, which meant, generally, wholesale butchers. Julius Caesar was a miraculous conception,—indeed they were common all over the world. How many miraculous-birth stories is a Christian now expected to believe?

In the days of the formation of the Christian religion, disease meant the possession of human beings by devils. Christ cured a sick man by

casting out the devils, who ran into the swine, and the swine ran into the sea. Is there any question but what that was simply the attitude and belief of a primitive people? Does anyone believe that sickness means the possession of the body by devils, and that the devils must be cast out of the human being that he may be cured? Does anyone believe that a dead person can come to life? The miracles recorded in the Bible are not the only instances of dead men coming to life. All over the world one finds testimony of such miracles; miracles which no person is expected to believe, unless it is his kind of a miracle. Still at Lourdes today, and all over the present world, from New York to Los Angeles and up and down the lands, people believe in miraculous occurrences, and even in the return of the dead. Superstition is everywhere prevalent in the world. It has been so from the beginning, and most likely will be so unto the end.

The reasons for Agnosticism and skepticism are abundant and compelling. Fantastic and foolish and impossible consequences are freely claimed for the belief in religion. All the civilization of any period is put down as a result of religion. All the cruelty and error and ignorance of the period has no relation to re-

ligion. The truth is that the origin of what we call civilization is not due to religion, but to skepticism. So long as men accepted miracles without question, so long as they believed in original sin and the road to salvation,—so long as they believed in a hell where man would be kept for eternity on account of Eve, there was no reason whatever for civilization; life was short, and eternity was long, and the business of life was preparation for eternity. When every event was a miracle, when there was no order or system or law, there was no occasion for studying any subject, or being interested in anything excepting a religion which took care of the soul. As man doubted the primitive conceptions about religion, and no longer accepted the literal, miraculous teachings of ancient books, he set himself to understand nature. We no longer cure disease by casting out devils. Since that time, men have studied the human body, have built hospitals and treated illness in a scientific way. Science is responsible for the building of railroads and bridges, of steamships, of telegraph lines, of cities, towns, large buildings and small, plumbing and sanitation, of the food supply, and the countless thousands of useful things that we now deem necessary to life. Without skepti-

cism and doubt, none of these things could have been given to the world.

The fear of God is not the beginning of wisdom. The fear of God is the death of wisdom. Skepticism and doubt lead to study and investigation, and investigation is the beginning of wisdom.

The modern world is the child of doubt and inquiry, as the ancient world was the child of fear and faith.

WHY I AM A CATHOLIC

Judge John P. McGoorty,
Superior Court of Chicago

We are assembled here tonight in a spirit of fraternity. Dean Swift once said: "Some people have religion enough to hate one another, but not religion enough to love one another." It is seldom that a controversial spirit will aid one in seeking the truth.

A foundation for an inquiry as to which is the true religion must begin with the existence of God. By God we mean the First Cause of all things. That there is a God all-powerful, all-just, and all-merciful, the creator of heaven and earth, who guides and rules the destinies of the world, is the almost universal belief of mankind. That God sent His Son upon earth to sanctify and save men by the merit of His precious blood shed upon the cross, is the basis of Christianity. His coming, His life, His death, and His resurrection, were vividly foretold by the prophets of the Old Testament, centuries before his birth. These prophecies were as marvelous in accuracy and detail as if they were written after, rather than before, the events which they foretold.

Pascal said: "The accomplishment of all the prophecies is an enduring miracle, and no other proof is needed to convince us of the truth of the Christian religion."

Christ himself referred to the Old Testament as a proof of His divinity. His life, His works, His teachings and His prophecies verified it. He made the blind to see, the lame to walk, the deaf to hear, the dead to come to life again. He foretold His death and resurrection. With His coming, for the first time came the revelation of the Holy Trinity. He, the second person of the Blessed Trinity, came to found a Kingdom on earth. He came to found a spiritual Kingdom to extend over all the world, to include all peoples, and all climes. For the first time in the history of mankind there was established a religion international in scope and character. He called this Kingdom His Church. When He said to His apostles—"As my Father has sent me, so I send you," He thereby conferred upon them the power to do all things which He Himself might do in the furtherance of His divine mission.

He intended His Church to be universal—"Go ye, therefore, teach all nations, baptizing them in the name of the Father, of the Son, and of the Holy Ghost." They were all required to

teach the same doctrine. "Teaching them all things whatsoever I have commanded of you" —and then He made certain to them the indefectibility of the deposit of faith which He intrusted to them when He said: "Behold, I am with you all days, even unto the consummation of the world." But Christ did more when He uttered these words "I am with you all days"—which have a definite meaning, as shown in the Old Testament as well as in the New. He guaranteed that through Him, and under the guidance of the Spirit of Truth, He would guard His Church against error. He established but One Kingdom, but One Body, but One Household; therefore, He provided for unity of faith and of doctrine. Christ established only one church.

Christ intended that the deposit of faith—namely, His teachings and precepts intrusted by Him to His apostles—should ever remain unchanged and incorruptible. He knew that without unity His church could not be perpetual, and He had promised the Twelve that He would be with them at all times, until the consummation of the world. He knew that His Church could not be universal and possess unity of faith without authority to bind together its essential elements, so Christ estab-

lished a religion of authority. His teachings and precepts formed the constitution of His Church. He gave to His apostles the power given to Him by His Father, when He said: "As my Father sends me, so I send you." The Apostles could only teach those doctrines and truths revealed to them by Christ.

Here, then, we see the complete lines on which Christ planned the beginning of His Church. It was to be taught and governed by the Apostles, with authority equal to His. They were all to teach the same complete body of doctrine He had given to them. They were to preserve perfect unity of belief and action, under the guidance of St. Peter, whom Christ made the visible head of His Church.

To the apostles alone He gave the power to make men holy, by means of sacred rites, the mass and sacraments, in which the merits of the Redeemed were brought into direct contact with the visible souls of the Church. To the apostles He said: "Baptize—whose sins you shall forgive, they are forgiven them. Do this in commemoration of me." Again He said: "Who heareth you, heareth me; who despiseth you, despiseth me." It was a Church absolutely dependent upon the apostles for its three

essentials—doctrine, government, and means of grace.

As Christ's Church was to continue to the end of the world, the power and authority which He gave to His apostles was to be transmitted by them to their successors.

The Church which Christ founded was an apostolic Church. While Christ's Church was a spiritual Kingdom, it was to be a visible society on earth. As a corporate society, it had to have a head vested with supreme authority. Christ, the founder of His Church, was the visible head while on earth, as He is the invisible head of His Church through all eternity. When Christ asked: "Who do they say I am?" It was Peter who answered—"Thou art Christ, the Son of the ever-living God." And when the Master said to him: "Blessed art thou, Simon, son of John, for neither flesh nor blood hath revealed this to you, but only My Father in Heaven." "Thou art Peter (meaning rock), and upon this rock I shall build My Church, and the gates of Hell shall not prevail against it."

Thus Christ promised Peter, the Prince of the Apostles, to appoint him the visible head of His Church, and that promise was fulfilled

after the resurrection, when Christ thrice asked Peter: "Dost thou love me?" and Peter answered: "Lord, thou knowest that I love Thee." He thereupon intrusted to Peter his fold and his flock, saying to him, "Feed my lambs—feed my sheep." And, again, He said to Peter, to make more clear the authority and jurisdiction which Christ conferred upon him: "unto thee I give the keys of the Kingdom of Heaven." Among the Jews these words were the highest symbol of authority. He then further said to Peter: "Whatsoever thou shall bind upon earth shall be bound in heaven; whatsoever thou shall loose upon earth shall be loosed in heaven." Peter, therefore, by the divine authority of Christ, became the visible head of His Church on earth, with supreme authority and power to guide and direct that Church—which is truly the mystical body of Christ, and the continuance of Jesus on earth.

The primacy of Peter was recognized by Christ and by His apostles. He always addressed Peter first. In the four gospels, Peter's name is mentioned first. It was Peter who first preached to the Jews. It was Peter who performed the first miracle, when he said to the lame man outside the Temple: "Gold and silver I have none, but I will give thee that

which I have—arise, and walk." It was to Peter that God gave the keys of His Church.

As Christ instituted His Church, it could not be permitted to err—it was necessary that the visible head of that Church, in interpreting, defining and guarding the deposit of faith given to her, should be free from error. Therefore, the words of Christ—"The Spirit of Truth will be always with you."

If the Church ever became fallible in Her teachings or Her doctrine, she would then cease to be the Church of Christ. Infallibility does not mean inspiration. It does not mean inspired of God. It does not mean revelation, or the revealing of some truth hitherto unknown. It only means that, guided by the spirit of the Holy Ghost, the visible head of the Church, in defining or interpreting matters of faith or morals, would be free from the possibility of error. Neither is it necessary for the visible head of the Church on earth to be impeccable. Therefore, it is not necessary that infallibility should be possessed by a saint, or a man of great holiness. It may be said, in truth, however, that of the two hundred sixty-five (265) successors of St. Peter, most of these have been men of holiness and sanctity. But Christ recognized the frailties of human nature—one of

his apostles denied him, another betrayed him; among others of his apostles there were dissensions. But Christ had ordained that His Church could not err.

The infallibility of the head of Christ's Church on earth is limited to doctrines of faith or morals. If the successor of St. Peter should make a pronouncement upon temporal affairs or matters political, it would not be binding in conscience upon the members of the Church. It is evident that there must be a supreme authority, to interpret and define the deposit of faith left by Christ with his apostles. The alternative to a supreme authority is the interpretation of Christ's teachings and doctrines by private judgment.

It cannot be denied that the scriptures, in many parts, are obscure and difficult of interpretation. The exercise of the right of private judgment, private interpretation, without authoritative guidance, has resulted in confusion and disunion, and numberless religious societies or churches.

Enshrined in the Bible are the teachings of Christ and His apostles, because the Bible is the word of God. But the Bible does not contain all of the teachings of Christ—St. John said: "What Christ said to his apostles during

the forty days after the resurrection could not be contained in one hundred books."

It is the Catholic Church that determined the authenticity of the Bible and clothed it with divine authority. It is the Catholic Church that solemnly decreed the Bible to be the word of God. The Catholic Church does not, however, depend upon the Bible alone, but upon the Bible and tradition of the teachings of Christ which have come down to us through his apostles and the early Fathers of the Church.

Christ did not write a book, and, so far as we know, did not command a book to be written. He constituted His Church a living, teaching body—"To teach all things whatsoever I have commanded unto you."

Christ's Church, through all of the ages, has safeguarded the Bible and the doctrine of faith contained therein; she has encouraged its reading by her followers, under the supreme guidance and direction of the Church. Without such supreme authority, there could be no organic unity, Christ's Church must be one in faith, one in sacraments and sacrifice, one in government, and one with her own past.

Among all the churches of the world, which church answers these essentials? Which church

possesses unity, common worship, common sacrifice and sacraments, and a common jurisdiction and authority extending over all the world? Which church, in unbroken succession for nearly two thousand years, has preserved its historical identity, from the time of Peter?

There is only one church in the world that claims to be infallible. A church may claim to be infallible, and be false; but a church that does not claim infallibility, cannot be the church founded by Christ.

In the long line of Peter's successors there has been no change of doctrine; there has been no instance in which any doctrine of faith has been modified or retracted. This, of itself, is a living miracle, and proves conclusively that the Church which Christ founded has been under his constant guidance and direction.

When the Church defined the infallibility of the Pope, when speaking as its pastor and supreme head on questions of faith or morals. it defined no new doctrine, as the infallibility of the Pope had always been accepted. Again, when the Church defined the doctrine that the Mother of God was immaculate, it only affirmed the implicit belief that the Mother of the Son of God could not be otherwise.

Christ's Church must be somewhere on earth

today. It can only be that church which possesses the classic and essential features—that is to say, that it is One, Holy, Catholic or Universal and Apostolic. That Church is the Catholic Church.

WHY I AM A JEW

Rabbi Jacob Tarshish—Temple Israel, Columbus, Ohio

Being a local speaker of considerable eloquence, and a man extremely popular through his participation in various phases of civic life in Columbus, Rabbi Tarshish was given a tremendous ovation. Earlier in the evening it had been determined by lot that he should be the last speaker of the symposium, and with that important position in his favor, he fittingly climaxed an unusual evening of thought and oratory.

In comparison with the three preceding speakers, Rabbi Tarshish, a man of 36 years, appeared extremely youthful. While he directed much of his talk to Mr. Darrow's opinions, he also summarized the purpose of the gathering. Even though the audience had been listening to speeches for one hour and a half, before he started, Rabbi Tarshish held their closest attention.

"As I see it, this is an experiment in intellectual brotherhood," he said, in analyzing the purpose of the symposium. "I am a Jew," he said, "because I believe the teachings of the Jewish

religion and because I am proud of the contributions of the Jewish people." He stressed the conception of God in the Old Testament, as opposed to Mr. Darrow's views. He disagreed with the theory that man is insignificant, declaring that man is made in the image of God.

"The Jewish people have given the world the monotheistic idea of God, and the Old Testament, including the Ten Commandments," he declared, adding that the Jew has given Jesus to the Catholic and to the Protestant; "Jesus, a great, gentle, wondrous spirit, as inspired as any of the Jewish prophets, whom we regard as distinctly a Jew, who came to preach a Jewish message to the people and who taught a message full of love and understanding and sympathy with the whole world."

Rabbi Tarshish asked that the Christian say farewell to the age of discrimination against his people and called attention to the necessity of working together at common tasks, such as the removal of poverty, sin, vice and hatred.

"I have been sitting here trying to determine the chief purpose of this symposium," began Rabbi Tarshish. "There are two purposes, I think, and I would like to give you both interpretations.

"First, that you may hear the opinions of four

men of divergent beliefs, and thus determine your own individual faith.

"Second, to give us a knowledge of the other man's religion and belief, so that we may be more sympathetic, and that hatred and prejudice may vanish from our midst. It can hardly be said that the purpose of the symposium is to discover the true religion. On the other hand, as I see it, the forum is an experiment in intellectual brotherhood."

Applause indicated that his statements had struck a responsive chord with the audience.

"I have been given the task of telling why I am a Jew," continued Rabbi Tarshish, who added that he is a Jew for two reasons; 1—"Because I believe in the teachings of the Jewish religion. 2—Because I am proud of the Jewish people."

"The Jew has always maintained a righteous position in the economic world, and after 4000 years he has a right to regard his history without a serious blemish, or even a shadow."

"Yet the intensest passions of man, over the greatest period of time, have been leveled against the Jew."

Referring to the evening's second speaker, Rabbi Tarshish remarked: "Mr. Darrow says the true answer to all things is agnosticism. He

says he does not know. My contention is that man started by doubting, saying he did not know, but ended by saying 'I know.' Originally, religion had a crude conception, but it must be recalled that science also had a primitive beginning. But religion is not crude when there are such glorious conceptions in it as are shown in the Old Testament.

"Let me say to Mr. Darrow," he continued, "that the present religious conception of God is not that which is narrowly described in the Bible. It would take a hundred books to cover the teachings of Jesus."

Rabbi Tarshish described the Jewish religion as being entirely different from other religions such as the Persian, the Grecian and the Germanic. He related that the Jewish religion is based on monotheism. Science, he explained, is also based on monotheism, in this—the unity of the principle governing matter.

"The fundamental unitary principle which we call God is a concept which the Jews gave to the world and it is one from which no one has ever departed—not even the scientists.

"If we are to accept the thought that man is insignificant—a helpless nonentity, without a free will, then there can be no progress. Against this contention, Judaism says: 'Man

is made in the image of God', and so is able to make a choice between good and evil. The Jew says it must be the *good* which is chosen.

"By being 'made in the image of God'," he added, "we mean that man has the powers of progress within him, and that God is the ideal toward which man is going. It is this concept which gives us the Bible stories to which Mr. Darrow objects. The Bible is a message of truth and a message of hope. There is nothing about these Bible stories which an honest man cannot honestly receive."

Rabbi Tarshish defended the Old Testament as unsurpassed in poetry, literature and inspiration. He described it as superior to the writings of Shakespeare, Goethe and Dante. He referred to it as "the spiritual masterpiece of the ages."

"The Jew," he said, "gave the world the Old Testament, which is one of the greatest collections of literature, because it is spiritual. If we want spiritual comfort, we go to the book of Psalms." He referred to the book of Job as one of the most dramatic stories ever written, even exceeding the works of the immortal Shakespeare. He stated that social righteousness can be found in no better place than in the books of the prophets. These prophets he

reported as having laid the foundation of wisdom.

Continuing, Rabbi Tarshish gave the Old Testament as the basis of the New Ttestament and stated that the Ten Commandments were given to the Christians by the Jews, and that the Christians in turn gave the Commandments to the world at large.

"And the Jews gave the world Jesus," added the rabbi dramatically, although in a voice of subdued eloquence. He remarked that Jesus came to teach the Jew, and that his teachings were so beautiful that the whole world took them up. Christianity, in fact, received its great impulses from the Jew.

Rabbi Tarshish related that the Jew also gave to the world the religion of Mohammed. Jewish thought has influenced the thought of the world for two thousand years. And the Jews are but a drop in the ocean. They started out as a nomadic tribe. God gave them the religion which, although the Jew was in the minority, has influenced the thought of the greatest nations. Israel went on when all the other great nations crumbled. Jerusalem fell and the Jew was scattered and made the scorned of all nations. He was despoiled, robbed, dishonored. By all laws of economics,

he should have fallen, but he did not because he had his synagogue and because he had a mission to perform for the world.

Referring to the many illustrious Jews in the fields of science, music, philosophy, art, drama, law, finance, etc., Rabbi Tarshish impressively called the roll of such leaders as Einstein, Steinmetz, Mendelssohn, Spinoza, Disraeli, Belasco, Heine, Untermeyer, and Strauss. "These," he said, "are merely a small proportion of those Jews who have influenced the career of mankind."

Having recounted the history of the Jewish people, embracing a period that witnessed their development from a small nomadic tribe in the wilderness to a prosperous race numbering more than 14,000,000 people, Rabbi Tarshish pleaded that the religion and the history of the Jews be respected. "We should say farewell to that age when the Jew was the object of discrimination, and the Jew should say to the Christian and the Christian should say to the Jew, 'Let us be brothers.'

"We might even include the agnostic," added the representative of Judaism, as he turned to Mr. Darrow. A roar of laughter and appreciation greeted this sally, and Mr. Darrow joined in the response.

By joining hands, Rabbi Tarshish pointed out that mankind can build a greater era, an era when men shall forget war and realize that they have a common mission in destroying poverty and sin, in removing vice and hatred from the face of the earth, and in etsablishing international peace and good will.

Judaism, as summarized by Rabbi Tarshish, holds that God is one, undefinable, perfect, spiritual, eternal; the omnipresent creator of all that is—the omniscient ruler of the universe, the wise and loving Father of all mankind. Judaism says that man is gifted with reason through which he acquires a knowledge of the world and its makings; that he has a conscience through which he distinguishes between good and evil; that he is endowed with a free will, enabling him to choose between right and wrong.

The Jewish faith further proclaims that man has a body and a soul; the body decaying after death, but the soul, made in the image of God, living immortally. In his relationship to his fellowman, the individual should guide himself by the ideal of divine perfection. He is put on this earth, not only for the purpose of satisfying his own needs and desires, but also to serve mankind.

In answer to the problem of pain, struggle, and sorrow, Judaism says they are for the purpose of strengthening the soul, a spiritual education through which we not only grow larger, but we also gain a deeper sympathy for our fellowman. The people of Israel regard themselves as gifted with a genius for religion. They were the first to recognize one God and his law of righteousness. No matter how they have had to suffer through the ages, they always felt consciously or subconsciously that it was their duty in the world to spread the light of religion and morality. The hope of every true Jew is that some day there will be ushered in a messianic time when mankind will be united in love and peace, when evil will disappear and pain will vanish. The Ten Commandments form the rock upon which Israel's religion and morality stood. These fundamental principles of Judaism were set forth by Rabbi Tarshish as forming the background of Jewish thinking throughout the ages.

THE AFTERMATH

Indicating the intense interest in the religious forum herein reported, the Ohio State Journal (Columbus, Ohio) of March 14, 1929, carried a lead editorial under the heading, "The Other Man's Religion." The significant comment follows:

"The great outpouring of people who listened to the discussion at Memorial Hall Tuesday evening bore witness to the widespread and intense interest in religion. People had to pay to get in, but the big hall was packed to the doors, and hundreds were turned sorrowfully away. And not all who were interested were there or tried to be there. Probably no other recent event in Columbus, and we have just been through a presidential campaign, challenged so much attention and caused so much comment.

"None of the four distinguished speakers proved anything, of course. Each merely stated what he believes to be the reasons for his faith, and faith is not susceptible of proof. It is the evidence of things unseen and these things seem different to different minds. It is a significant fact that each of the speakers is, in

his views on religion, what one would expect him to be from the background of his life. Rabbi Tarshish was born a Jew. Bishop Hughes is the son of a Methodist minister. Judge McGoorty was the child of a Catholic home. Clarence Darrow's father was an Agnostic and made no 'bones' of expressing his opinions.

"We do not mean to suggest that none of these men has done his own thinking; all have done that, but still each has followed the bent in his sectarianism, or his lack of it, that was made natural to him by his antecedents and his early environment. A few overcome the natural bent, but most of us, in our sectarian convictions or preferences, are nominally, at least, what our parents were. Thus to condemn or despise or look askance upon another person because of his views on religion is mere snobbery, a hateful quality founded on ignorance and unreasoning conceit. It is like thinking you are better than other people because they are not in your family.

"One of our local pastors said that he did not approve of such discussions as that staged Tuesday evening, fearing that they served merely to accentuate and increase sectarian bitterness and hatred. We should think they would have just the opposite effect. We should

think that when four fine men get up and state as best they can the reasons for their convictions on religion, even if it is shrewdly suspected that the real reasons are birth and early environment, or perhaps because of that shrewd suspicion, the reaction of the intelligent listener to each would be: 'Well, he may be as nearly right as I am, if not more so. At any rate, he certainly has as good a right to his opinion as I have to mine, and I'm not going to quarrel with him because we don't think alike on questions that nobody can answer for sure'."

TYPOGRAPHICAL
UNION
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Liberty

versus

Prohibition

Stenographic report of address by Clarence Darrow at New Bedford, Mass., under the auspices of New England Union Label League

No Step Backward Into the Night!

Liberty vs. Prohibition

The following address was delivered by Mr. Clarence S. Darrow, of Chicago, at a public meeting held in New Bedford, Mass., on December 4, 1909. This city, with Worcester and others, changed from "dry" to "wet" by a large majority in the election held a fortnight later.

I am going to talk to you on the subject of prohibition. Of course I know that the good people who are voting no-license tell you this isn't a prohibition campaign; that is, they don't propose to forbid anybody from buying liquor, they only propose to forbid anyone from selling it. You have a right to buy all you want, but nobody can sell it. Now that is prohibition logic. (Laughter). Perhaps a drunken man might understand it, but I don't know who else would. It ought to be pretty plain to the average man who doesn't try to fool himself that if it is against the law to sell something, then nobody can buy it without either violating the law or getting somebody else to violate the law, which isn't any better, and not quite so good. So if the citizens who propose to forbid a license in these towns succeed and the law is enforced, it means that nobody can sell and nobody can buy it. If it means anything else, it is a farce and a fraud and a humbug, pure and simple, and there is no use to fool about the question and try to deceive anybody, even yourself.

So this question as far at least, as a policy of government, is a question of prohibition, pure and simple,—at least simple, I don't know how pure it is. (Laughter and applause). You are going to be called on to vote this town

dry again. You can probably vote the town dry, but can you vote the people dry? Somehow the Lord, when He fashioned this Universe and created man, didn't understand the job as well as the prohibitionists understand it, and He left mankind to stumble along and do the best they can. If the Lord had been given the advice of the prohibitionists it would have been much easier and saved us a lot of trouble. There wouldn't have been any wickedness in the world, excepting prohibition. (Laughter). If anything went wrong, all that would be needed would be to make another law and then you could make people right. If men drank too much, make a law and then they won't drink too much. If they ate too much, make a law and then they won't eat too much. If they don't go to church, make a law and then you will fill the churches. If they don't go to the right church, make another law and head them in the direction of the right church. If a boy wants to have any fun on Sunday, or a man who works hard all the week wants to go to a picnic on Sunday, make a law; then he won't go to the picnic but will go to church. Now the Lord didn't understand His business when he conceived His plan of peopling the earth with men and women; there were no prohibitionists there to give Him any advice, so He simply created man and left him here with all the infirmities of human nature which often lead him wrong; with all the higher feelings which sometimes lead him right.

He doubtless understood that, after all, there is nothing that counts with man, excepting character, and if he hasn't got the character to take care of himself, then he isn't worth taking care of. That was His theory. But it isn't the theory of the prohibitionist. If a man hasn't got the character to take care of himself, then we have got to take care of him and ruin ourselves doing it.

Now I concede the honesty of these people. They are honest, they are high-minded, they

have been willing to preach their doctrine in season and out and are working for the good of the world. They ought to be heard, they ought to be listened to. Every man that has a theory, no matter how fanatical, ought to be allowed to air it and present it. All I object to is being put in jail if I don't agree with the other fellow's theory. I don't believe in prohibition, but I am not a fanatic. If I had a chance to make the law just as I wanted to, I wouldn't compel a prohibitionist to drink a pint of beer every morning for breakfast. (Laughter and applause). I think that would be carrying it too far, and I wouldn't pass a law to make him pour down his throat a glass of whiskey against his will. That would be carrying my doctrine too far. No more will I permit him to say to me, you can't drink a glass of beer if you happen to want it. To my mind, it is exactly the same thing and I wouldn't stand for either one, but the prohibitionist says: "Oh, no, you can't make *me* drink beer and I won't let *you*."

Well now, if he cuts me off from everything he doesn't believe in, I don't know what I will have left. It is a wise and fine scheme. The people, for instance, on the front row of seats will pick out the things they like to eat and drink and they will say to the people on the second row: "These are the things you have to eat and drink." And the people on the second row will fix up a bill of fare for the people on the third; now it is possible the people on the first row know better than the people on the second what is good for them; but it is also possible that men would get along better in the world if they decided for themselves what is good for them. They may sometimes decide wrong; they may eat something or drink something that doesn't agree with their stomachs, but, after all, human tastes are not the same. And as a general rule it is a pretty good plan to mind your own business. (Cheers and applause). That is, if you've got any. (Laughter). Now if I were

fixing up a bill of fare for people to eat, I wouldn't let anybody eat chicken; I don't like it, I can't understand how a sensible man can eat it. I would rather have corned beef, but I have known a good many fairly intelligent people who eat chicken, and if I should pass a law to cut them out of chicken, why the clergymen might say I was aiming at them, and why should I? (Laughter).

We have inherited some traditions of liberty in this country. They are not new to Americans. They are not new even to English-speaking people, but we have believed that each person should be left as free as he possibly could be, consistent with fairly good order in the society in which he must live. He should be left to do what he pleases, drink what he pleases, smoke what he pleases, live as he pleases, go and come as he wants to,—in short, manage his own life. Unless he can do this, he may as well be dead, for if somebody else is going to manage it for you, you won't get much fun out of living. (Laughter).

ETHICS OF THE QUESTION.

Now there are two or three things in the beginning that I want to speak about. I am not interested in whether you are going to sell more goods in New Bedford with whiskey or without it. I don't care a cent for that kind of argument. I don't live here and I don't think if I did I would be influenced by any such consideration. If drinking beer is in the category of cutting throats and burglarizing houses, then you ought to be ashamed to make money out of it, and you ought to go prohibition even if the grass grows in the streets. I don't care whether you get rich or get poor because of drink, and I don't think any self-respecting man ought to care whether you get rich or you get poor because of it. If it is a business which fairly and justly comes within the criminal code, then you can't excuse yourself by getting money out of it, neither the city nor the nation. The nation

ought not to get revenue and the city ought not to get revenue, and the business man ought not to get revenue, if drinking beer is like cutting throats and burglarizing houses. On the other hand, if it is not, if it is a part of my liberty which I should defend—and when people stop defending their liberty, it is gone—then it doesn't make any difference whether we lose money out of it or whether we don't lose money out of it; I ought to stand for the simple right to manage my own affairs, to eat and drink what I please without calling a town meeting to decide on the bill of fare. (Applause).

I don't propose tonight to give this audience any statistics. I could give you statistics by the bushel and so could the other fellow. You can get statistics on both sides of any question, no matter what that question is, and generally they don't prove what they pretend, and it takes a very wise and educated man to handle statistics, and likewise a very honest, unprejudiced and unbiased man to handle them and make anything out of them excepting some broad generalizations. Now I haven't got any time for them myself. I would rather discuss principles. I would rather talk about things that every person in this house knows and understands, which can't be juggled or fooled with, and which appeal to your human nature and your innate instincts, as to right and wrong.

Is prohibition right? Is it right in theory, or is it wrong? Let's see Now you know it is a great deal easier to make a prohibition speech than it is to make one against prohibition. I never tried to, but I have listened to them and the prohibition speakers can beat us to death. They don't know the reason, but I will tell them if there are any of them here. I wouldn't want to hold a debate with a prohibitionist for the simple reason that he could get the audience in spite of himself. I never look for trouble that way. The pro-

hibitionist appeals to the feelings and the sentiments and the passions of men. You know it. Did you ever hear any of them talk sense? (Laughter). They appeal to men's passions and feelings and prejudices. And when you do that, you have got your audience, and when you talk to a man's judgment and reasoning, that is a hard job, I don't care whether it is in New England or in Chicago.

There are some things that have been said on both sides which I regard as somewhat foolish, and I want to go away leaving you the impression that I meant to deal honestly with this subject, as I intend. I may be mistaken about my judgment, many times I have been, and you are the ones to decide it. I don't have to live here, I can get a drink in Chicago any time. (Laughter). Then besides, I don't care much for it. I never cared anything for it until this prohibition movement set in. (Laughter).

I don't believe that alcohol is a food; I don't believe that men need beer or whiskey or alcohol in any form, and I don't propose to argue it. I am willing to concede that beer and wine and whiskey are just good for one thing. That is, that they taste good going down. That is all there is of it, excepting of course, for mechanical and sacramental purposes, and I don't know much about their use there, so I won't discuss that. You have a right to use them for that even in a dry town, but aside from that they taste good going down; that is, they taste good to some people. There are some people who say they don't taste good not only to them, but to anybody else—of course they know! They are wise and they know what a well-developed, normal appetite is, but I wouldn't trust them. Sometimes people are color-blind in their tastes.

I don't believe for a moment that the human system needs alcohol in any form. But what of it? Is that any reason for not having it? We have a great many things that we don't need, as I will show you a little further on.

The fact is that none of us are interested in the things we need. Anybody can get the things they need; you can get them at the poor house and not work at all. It is the things we don't need that everybody is after. It is the theatres and the good food and the good drink and the automobiles and the vacations, the things we don't need, that we are all working for, which make life worth living. "You fellows can have the necessities, I will take the luxuries!" That is the way it has always been between the working man and the fellow that don't work,—that is the reason I don't work- If anybody is satisfied with the things he needs, that is about what he will get, and he won't need much at that.

Now this question does not require very much discussion. I think I can state our side of the question in about ten or fifteen sentences. If I am born free, or become free by act of law, and if I am of age and able to look after my own business and haven't any guardian and can buy a horse or sell a farm, then I ought to be able to order my dinner at the hotel and say what I want to eat and what I want to drink.

It is one of the most primitive wants and one of the most primitive desires and if I can't settle for myself what I want to eat and drink and wear, where I want to live and how I want to live, then I haven't got very much liberty, after all, and freedom is very much of a dream. If I am free by the laws of my country, I ought to know whether I want to drink beer or coffee. Probably both are somewhat injurious, —coffee much more so than beer. But it is my own body I am taking a chance on all the while and nobody's else. It isn't for me to prove my right to do it. The fact that I live and breathe in a country consecrated to individual liberty is enough. I have the right to do it because I am a man, and a man who lives under a government where people are supposed to be rulers of themselves, instead of their fellow men. And that is all

there is to it. If a man tells me, "You can't drink beer," then it is up to that man to give the clearest and most explicit reason why my liberty should be curtailed. It isn't for me to prove my right to drink beer any more than my right to breathe air or drink water. I prove them both by the same logic and by the same common instincts which move all men.

CRIME AND DRINK.

What excuse has the prohibitionist to offer that the drinking of beer or any intoxicating liquor is a crime and that men should be forbidden it or sent to jail if they have it? They have the same excuses today that they had forty years ago; they tell you that beer and whiskey and wine are responsible for most of the crimes of the world, or a large part of the crime of the world. They say that intoxicating liquor produces crime; produces poverty; produces death; produces misery, and for that reason it should be forbidden by law. That was the indictment then, and that is the indictment today.

Is liquor responsible for any large part of the crime of the world? Is it responsible for the men in jail? Has the man in the penitentiary or the man whom society has singled off as criminal, been made so by rum? Now when I speak of criminals, of crime, I don't mean a plain case of drunk where a man gets too much liquor and is locked up for the night, simply because he got too much liquor;—that is not a crime in any sense. If men were arrested when they eat too much, the same as they are when they drink too much, about half the best citizens in town would spend every night in jail. (Applause).

But when I speak of criminal conduct, I speak of crime, such as has been denounced by the law and by people always as criminal. Is whiskey responsible for it? Now I will give you a few facts which appeal to your own experience and which show how false and untrue this statement is. It is hard to gather sta-

tistics of crime or statistics of any sort and prove that they are true, but I can give you some facts. First of all, the men who fill our jails and our penitentiaries come from one class and only one,—that is the poor. Our jails, whether in Massachusetts or in the West or in Europe, are filled with one class, and they are built for one class, and that is the poor. Here and there and once in a while some rich man is caught, but only enough to show the exception which proves the rule, for when a rich man is sent to jail, he isn't sent there for drink, but because he wasn't rich enough. The jails and the penitentiaries all over the world are built for the poor. Now let me ask you one question which settles all of this. Did you ever know any rich people to drink? It can't be. Because if they did they would be in jail or the penitentiary, for drink produces all the crime in the world. Why to hear these wise philosophers stir up the passions and feelings of men, you would think only the poor drank. Now, as a plain matter of fact, beer or whiskey is like almost everything else in the world,—all of it is produced by the poor and the best of it is consumed by the rich. They have plenty of time and plenty of money to drink with, and there are a lot of poor people who are too poor to drink.

A great philosopher and historian, Thomas Buckle, who wrote the first part of "The History of Civilization in England," made long observations extending over long periods of time in all countries and he showed conclusively that the number of people in jail rose and fell every year just as the price of food rose and fell. (Cheers). When bread was dear, it meant that more people went to jail; when bread was cheap, fewer people went to jail. He also showed what every man who has honestly studied this question has found out since—not what prohibitionist orators have found out, they never find out anything —that more men go to jail in winter than in summer. Ever hear any prohibitionist say

that? They don't know it, and if they knew it they wouldn't know what it meant and if they knew what it meant, they wonldn't tell you. There are more people in jail in the winter than in the summer because work is scarce.

I will tell you something else—more people go to jail in hard times than in good times. The poor man goes to jail in winter; when the sun comes out in the Spring and work becomes plentiful, he comes out of jail because he can live outside easier than he can inside. He is governed by natural law, nothing more or less. You may take a hundred cattle and place them in a field and if the feed is good they will stay there, but let the feed get short and they will mighty soon learn to jump the fence if they have any brains at all. So it is with people. Under this system of society, where a few men own the coal and the iron and the timber and the land and the railroads and have monopolized all the means of production and distribution, the great mass of men, having nothing to sell but their labor, are living close to the line of want. They are living where sickness, misfortune, accident, loss of a job, drive them to want. Some of them are less intelligent than others, but there is always a very narrow line that separates the lawful from the unlawful, and often misfortune or loss of work causes these poor unfortunates to step over the line between lawful conduct and unlawful conduct, and they fill our penitentiaries and jails. Then, too, there are people who commit crimes,—crimes of feeling and passion, of hatred and revenge and jealousy, which have ever moved the hearts of men.

Let me give you a few illustrations that may appeal to your experience. Tell me that crime is produced by Rum! We have had three presidents of the United States assassinated: not one of the three assassinations had as much relation to liquor as the change of the moon, not one! You have read

of the murder cases all over New England, New York and the United States. You can scarcely recall one that had any sort of relation to liquor, no more than to food. They were due to the passions and feelings and hatreds of men and of women; and had no relation whatever to whiskey, and still orators keep repeating over and over again that old story, that whiskey is responsible for the crime of the world.

How do these people find it out? Why I know something about criminals, so-called; I know something about them because I have seen them and I know them and I know something about myself, and all of us are partly criminal and partly good. Where do you suppose they get their information? They don't need any information ,to start with. They just say things, and they have got it, where? Do they get their statistics out of the jails? Now STATISTICS ARE DANGEROUS. They are still more dangerous when they come out of a jail and doubly dangerous when they come out of the jail through prohibition speakers, and you can't depend upon them at all. How do they get them? A poor man is locked up in jail; nobody comes to see him, he looks over across the court-yard and sees a friendly visitor coming towards him and he can tell who he is a block away. He knows he is a prohibitionist because he has a face as long as a telegraph pole. The friendly visitor says to him, "My good man, how did you get in here?" And he says: "Rum!" Right off quick. If he said beefsteak the friendly visitor would put it down as "Rum" anyway and tell him he was criminal and a liar too. (Laughter).

But suppose he answered it right, then what? I have gathered statistics in jail. I have had something to do with the law. I have been at it a long while and have tried a good many criminal cases. But I never defended a guilty man in all my life. (Laughter). Now you don't believe it. Well, I will tell you how I know. I asked them and they said they

weren't; they said they were innocent. Why, you go in there and see one of them and he is charged with stealing a twenty-dollar gold piece; he would say: "I was going down town for a loaf of bread and some fellow came out of an alley and he shoved a twenty-dollar gold piece in my pocket and the policeman came along and took me, and the other fellow 'done' it and I didn't do it." And if there isn't anybody else in the world it can be charged to, there is always one, and that is Rum! Rum! And when you say Rum did it, why, every prohibitionist in the country will say "Amen! How glad we are, it gives us more statistics."

We don't know much about crime. Ordinary men are educated to believe that a criminal is in some way different from other men. He isn't. It may be that his intentions are as good as ours. I could take any one in this house who never knew anything about crime whatever, to a penitentiary on a Sunday morning, lead him into the chapel and up on the platform. Once on the platform, look at the sea of faces before you. If you never had had any experience, you would know that these people were criminals. You would know it from their misshapen heads; you would know it from their starved bodies. You can cure crime in one way and only one. Abolish monopoly! Give men an opportunity to live! Let no man beg for a job! Destroy poverty! Give men light and air and food and the jails will vanish and be a nightmare of the past! (Prolonged applause).

But to talk about the responsibility of Rum is the idle chattering of children. The one great cause of crime, the one great cause since the world began is poverty, and if you want to abolish crime, abolish poverty, and until you abolish poverty you can't abolish crime! But the prohibitionist says: "All right, poverty is responsible for crime, and whiskey is responsible for poverty." And there you are right where you started.

Is he any nearer right in this? Let me ask again this question. Did you ever know of any rich man who drank? It can't be, because they would get poor. (Laughter). There are a whole lot of men who manage to consume a great deal of champagne that other people have made, that haven't yet got poor. I have no doubt that champagne is responsible for some of the poor man's poverty. But it is not the champagne that he drinks, but the champagne the other fellow drinks. It is the champagne he makes for the rich.

WHAT CAUSES POVERTY?

Does drink cause poverty? Let's see. Why does it cause poverty, and how do these gentlemen prove it? They find a poor man that drinks, and if a man drinks and is poor, then drink makes him poor. If they find a rich man in an automobile that drinks, then the drink ought to make him rich because he drinks and is rich. If you see a man who is poor,and that man's breath smells of whiskey, Oh! Oh! He is poor because he drinks! All he needs to do is to close his ears to the song of the agitator and get in behind the prohibition procession, and he will get rich!

Men may make mistakes in spending their money, probably often do, they make bigger mistakes when they don't spend it,—but they make some mistakes in the way they spend it. I have known men to spend money for whiskey when I think they ought to have spent it for something else. I have known men to buy Merry Widow hats for their wives when I think they should have bought something else for it. Suppose the women get together to close up all the saloons, to save your money, what is the matter with the men getting together to shut up all the millinery stores to save your money? And when a man buys a great big schooner of beer for a nickel and at the same time his wife has a hat covered with feathers and wood-chucks and carrots (laughter) and things that cost $20,

you are poor because you bought the schooner of beer.

I have known people to be poor because they gave too much to the church. I have known people to be poor because they hired lawyers. You can get poor for any old cause; but let us look at this question—I don't want to omit anything.

A man who talks to the poor man about getting rich by not drinking beer is insulting the poor man's intelligence, and he never read or studied anything himself in his life or he would have seen it. Now the poor people we will say spend money liberally for beer. There are very few of them would spend one-tenth part of their wages for beer, but suppose they spend one-sixth or one-fifth. The food bill is a big bill and I will undertake to say, as poor as the poor man is, there isn't one of them that doesn't waste three-fourths of the money he spends for food. According to their theory, the poor man has one business, that is, to keep well and strong so he can work; that is all, that is what he is for. So far as health and strength and ability to work are concerned, you waste three-fourths of the money you spend for food. Why just think of it! Take your stomach and load it up with pie and cake and liver and tea and coffee, and what is going to happen to you? You are shortening your life and you only eat because it tastes good going down. You don't need butter on your bread, your ancestors didn't have it, and your children won't have it either if you follow the prohibitionists in their theories. You waste money on your clothes, you don't need collars and neckties; they are purely ornamental. Women don't need fur and feathers and silks. They are ornamental. You could live in a cheaper house, you could save three-fourths of your money. Now let me tell you. Suppose you cut out meat and save a half of your food bill; do any of you think you would get that money? If you do, you had better guess again.

THE QUESTION OF WAGES.

How are wages fixed? A man may pin a little oil lantern on his cap and go down a thousand feet into the earth in a cage and work all day with the rocks falling in about him, breathing miner's asthma into his lungs until he dies an early death, and he may get $1.50 a day and he may earn $10 a day, for his sacrifice of life and health and the expenditure of his strength. His wages are not fixed by what he earns. They are fixed by several great laws which govern your condition and mine. Another man may sit at his desk, he may be a lawyer; he may go to his office at ten o'clock in the morning and work two or three hours and go home and get a hundred dollars for his day's work. His wages are not fixed. Or a man may preach a sermon once a week, a short one,—possibly the shorter the better—(laughter) and he may get ten times as much as a miner. There is no way of fixing what he earns; he gets what he can. Or a man may be a stock broker and he may make a turn in watered stocks or sell something that he doesn't own, and he may make $500,000 in a day. Just because he can! There is no law that fixes it, there is no relation between what a man earns and what he gets, no necessary relation. Wages are governed by several laws, one being the supply and demand of labor. When stockbrokers get as plentiful as miners, they can't get any more wages. When preachers and lawyers get as plentiful as miners, they can't get any more wages. I wouldn't trade jobs with you people for the same money. Of course I know we fellows who live by our wits are very fond of telling what a hard job we have, but it is a lie. It is easier to live by your wit than by your muscle,—you don't get so tired. Wages are fixed by the law of supply and demand and fixed by another law. There is a law governing wages which says that wages tend to come down to the lowest price that will keep men alive and

permit them to propagate their kind. They have to be kept alive in order to do the rich man's work and they have to raise a family so that the rich people in the next generation can have their work done. And wages can't go beyond that point, the point that will keep men alive and permit them to propagate their race. When you say keep them alive, it means keep them alive under the conditions in life in which they live. And every effort of the working man should be,—every effort of the working men of Europe and America, to give their energy and strength and mind towards improving their conditions in life. Is there any doubt about it? Why if that isn't true, then nothing is true that your unions have taught you, nothing is true that your friends have said, nothing is true that the great political economists and philosophers who really loved the poor have ever said. Men are obliged to use every means in their power to keep up their standard of living because it it difficult to reduce wages below the standard of living. In Italy men can live on macaroni and a little wine and do their work, and that is their standard of living, and wages hover around it, although they have wine which is cheap and plentiful, and about the only thing that tastes good to an Italian laborer that he ever sees or feels. In Russia, they can live on some cheap soup; all over Europe the poor man gets along without meat. He can't afford it; he may eat tripe and entrails and stuff that the rich men throw away, but he can't eat anything the rich man wants, he has to take whatever is left, as laborers have to take what is left, and there is mighty little left.

The working men came here where there was opportunity and here they have established a standard of living which is higher than the European or the Asiatic and they have learned to have fairly good clothes. They have learned to go to the theatres. They have learned to have meat; to have something to drink, to have some of the luxuries of living

which the rich have always claimed for themselves. Now they say, you better give up some of them and save your money. If you give them up, you give them up forever and you get nothing whatever in their place.

You know about the history of trade unionism; it has been a hard fight to improve the condition of men. This world has been taken by the strong. Way back your ancestors began your fight. The early trade unionists met in the woods, and among the rocks and waste places; they hid their records in the sand and caves; they were sent to jail if two of them came together and agreed with each other to get higher wages. They would like to do the same thing again, and are doing the same thing again in free America. Step by step the unions have fought this fight. Step by step they have fought for the right to be men. They have fought for the food the rich have, they have fought for the clothing and shelter for themselves and their families, which the rich have always taken and denied to the poor. They have died in prisons and on scaffolds, they have died in every way that the poor man might have more of the luxuries of life. The improved conditions you have today are not due to the prohibitionists, but are due to the silent dead, who have given their efforts and liberties and lives in your behalf.

And now you are asked to turn your backs on what they have done. You are asked to leave to your children a poorer life and a poorer heredity than your fathers have given you. You are asked to turn back to the past. If you give up your luxuries, any of them, you will be going back, backward toward the place from whence you came, and as you go you will pass the whitened bones of those heroes who have died in your behalf and who have fought for the liberties which you have given up. Do you want to do it? If so, do it. But do it with your eyes wide open. Fight for prohibi-

tion if you will but do it with your conscience; do it with your judgment; do it with your reason. The only thing for the working man to do is to keep what he has and to get more.

LABOR'S DEBT TO PROHIBITION?

Gentlemen, I admit I am somewhat impatient at this crusade. I am impatient about its hypocrisy. I am impatient on account of its selfishness; I am impatient on account of its ignorance; I am impatient on account of its prejudice. Who are these people who come to you and ask you to give up anything that has been wrung from the labor and suffering of the past? Are they your friends? Have they fought your battles when you have made your brave struggle for a chance to live? Have the prohibitionists stood at your head and fought your fights? Who are they that shutting their eyes to all the experiences of the past, never knowing your feelings, or knowing your cause, or having sympathy for your troubles, would presume to place themselves at your head and tell you what to do. I object to a great body of men, the trade unionists of America who represent the hopes and the fears and the sufferings and the aspirations of their fellowmen, who have done more than any other class of men in America to make life better for the poor and weak, to give more comfort and happiness to mankind—I object to this great body of men being led down a blind alley by a handful of fanatics who know nothing about their cause.

I was reading a book the other day by a celebrated Russian physician, Metchnikoff, who is now the head of the Pasteur Institute in Paris. He says men ought to live to be 120 years old if they lived right, and it is true, and he put down food as the first cause for their not living longer. Rum was one,—overwork was one; lots of them die because they work too much,—not prohibitionists, working people. Food he put down first. Now it is perfectly plain if a man dies under 100 years

of age and doesn't get run over by the car, or struck by lightning, he has died in his infancy.

Let me give you a few facts that I believe are so plain that even a prohibitionist could see them if he opened his eyes, which he won't. These people don't care anything at all about life. They think they do. They doubtless are honest in it, but they are so carried away with their own eloquence, that they fool themselves. Do they care whether men live to be 25 or 125? Not a cent. I will prove it to you. Do you know that the life of a working man is not more than 60% as long as the life of the rich? Now why? Is it rum or champagne? No it is work. The whole body of men who toil are born into this world and know nothing excepting to work from morning till night. No other trade but to earn their living by their hands. They die when only a little over half their life is lived. And we fellows who live on to be 70 or 80 as the case may be,—you know a doctor lives ten years longer than the working man; a lawyer has a better graft still and lives five or six years longer than a doctor,—but the preacher beats all of them. (Laughter). Every working man in the world has his life cut off by work. I am speaking broadly now. Of course there are exceptions to all rules, but broadly they live out from one-half to two-thirds of their lives because they work and somebody says although you are going to live one-half your days, you must stop drinking rum for fear you will have a good time.

When did you ever hear of a prohibition convention raising its voice in protest against killing working men when their lives were only one-half done? They are too busy talking about Rum. Now let me tell you more. Do you know of all the people who are born into this world, all who come upon the earth, one-fifth or one-sixth of the human race of the whole world go out through one door, and that door isn't Rum,—that door is tuberculosis.

One out of every five or six, they are lessening it a little; they are lessening it not on account of the prohibitionists, but on account of the scientists,—one out of every five or six die from tuberculosis and they die between 20 and 30 as a general rule, when they are of most use to their families and their friends. They die from lack of air and food and room and opportunity to live. They die, not on account of Rum, but on account of monopoly, and if one-tenth part of the energy and money and hot air that is spent on Rum, were spent on tuberculosis, that great scourge would have been wiped away years ago. Do these gentlemen care anything about tuberculosis patients? No. A man may be eaten alive by tuberculosis and the prohibitionist looks square in his face and says, Oh! Rum! Rum! Why, in our tenement districts tuberculosis goes from father to son, from mother to daughter, from sister to brother, and in our sweat shops and factories, they die like flies, because men have monopolized the earth, and the prohibitionist looks on and shouts Rum! Let me tell you more. A half-million working men were killed and maimed last year, the victims of our industrial machines. They were ground up by cars, they died in molten vats of steel and lead; they had their arms and hands cut off by machines; they fell from the tenth or fifteenth story of an iron structure, up in the air, while working to buy bread for their families. They died by every spindle and engine that makes these great industries what they are. Half a million of these lives and limbs could have been saved if man cared for life and didn't care for dollars. If they tried to make machines safe, safe to protect human life, men and women and little children, these lives would have been saved. The other day, in the State of Illinois, about three hundred poor fellows went down into the earth with a torch on their head and lived a lingering death of perhaps a week or ten days, and never came up to their families and their

homes. The reason was that men were more interested in making a mine profitable than in making a mine safe. (Applause). Do you hear any of these prohibitionists sigh and do you see them shed tears and do you hear them raise their voices in agony because of a half-million poor working men ground under the wheels of industry every year to make money for men? No. They don't see the tears of the widows and they don't hear the moans of the orphans, and they don't hear the dying groans of the poor victims of our industry. They are too busy shouting Rum!

I can tell you more. Do you know that in our tenement districts, in our great cities, where men and women and little children are huddled together like ants, do you know that half of the children of the poor die before they are six years old? The rich man's child will live, the poor man's child will die. Half of them before they are six years old in our crowded tenement districts! They don't die because they drink too much Rum, but because they drink too little milk! (Applause). You must remember the rich people's work must be done. The poor die for lack of food, for lack of air and nobody cares. The prohibitionists are too busy about Rum.

Do you know that the labor organizations of this country have kept their men before every legislative body in America?—they have taken their earnings and sent men to the capitals of every state and the capital of the nation to plead for legislation that would make safety appliances for railroads and cars; that would make mines safe; that would protect life. They have been there year after year, pleading to take little children out of the mines; to take them away from the spindles and put them into the schools; to prevent women from taking the jobs from their husbands and fathers. Have you ever been to a legislative body and found a committee of prohibitionists there to help you plead your cause? Have they ever raised their voices in

behalf of your lives, of your limbs, of your wives, of your children? Have they ever done anything except to shout Rum? While you have been there pleading for your homes and your families and your lives, over here in the corner is raised a hoarse cry of the prohibitionists saying: "For God's sake, don't take that! Don't give us the Employers' Liability Act! Don't give us the Safety Appliance Act! Don't do anything about mills and mines; just wait. Don't take up that. Let's first destroy Rum. Join with us on a moral issue. Let us get rid of Rum and then we will help you," and if you help them get rid of rum and go back you will find these gentlemen in the corner and they will say: "Not now. Let us get rid of tobacco. Let us get rid of theatres and cards and billiards and dancing and everything else and then we will attend to you."

THE ONLY WAY.

Now there is one rule of life. If you give men opportunity, give them food and clothing and drink and sunlight and homes, they can look after their own morals and they can't do it any other way. (Applause). The whole theory of prohibition is wrong. If they get one thing they will want another. Today it is Rum. Tomorrow it will be tobacco; next day it will be coffee. The theory is wrong; man can only progress by liberty. Is there any doubt? Look back to the origin of the human race, back to the time when man rose from the brute creation and looked the world in the face. Every step has been a struggle; he has been ruled by kings, by tyrants, by the great, by the strong. But he has slowly fought his way upward to the position he occupies today. Every step has been a struggle, every footprint has been marked by blood. It has been a long and painful battle that the human race has fought. Every step has been inspired by the spirit of liberty.

And take the dream and ideal of freedom from the human race and slowly and painfully it will go back to the brute creation from whence it came.

If you have found this pamphlet interesting, will you not permit some one else to read it?

LITTLE BLUE BOOK NO. 1329
Edited by E. Haldeman-Julius

Facing Life Fearlessly

The Pessimistic Versus the Optimistic View of Life

Clarence Darrow

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FACING LIFE FEARLESSLY

[Report of a lecture delivered at the University of Chicago, under the auspices of the Poetry Club and the Liberal Club; revised by Mr. Darrow.]

I had the pleasure of making the acquaintance of Mr. A. E. Housman in the summer of 1927. I spent two hours with him, and before that I had been to the home of Thomas Hardy. Mr. Hardy told me how much he thought of Housman, before I visited Housman; and Housman was a frequent visitor at the Hardy home. Their ideas of life were very much alike; they were what the orthodox people and the Rotary Clubs would call pessimistic. They didn't live on pipe dreams; they took the universe as they found it, and man as they found him. They tried to see what beauty there was in each of them, but didn't close their eyes to the misery and maladjustments of either the universe or man, because they were realists, honest, thorough, and fearless.

Hardy himself had received the censure of all the good people of England and the world, who, in spite of that, bought his books. They all condemned him when he wrote his *Tess*; so he determined not to write any more prose. He thought that people probably were not intelligent enough to appreciate him; certainly not his viewpoint, and he didn't wish to waste his time on them.

Housman's viewpoint is much the same, as all of you know. He has written very little.

You can read all he has written in two hours, and less than that; but everything is exquisitely finished. When I met him he was in his study in Cambridge. He is a professor of Latin. I can't imagine anything more useless than that—unless it be Greek! He has been called the greatest Latin scholar in the world, and he seemed to take some pride in his Latin; not so much in his poetry. He said he didn't write poetry except when he felt he had to; it was always hard work for him, although some of the things he wrote very quickly; but as a rule he spent a great deal of time on most of them.

I asked him if it was true that the latest little volume was what it is entitled—*Last Poems*. He said he thought it was true; that it had been published as his last poems in 1922—five years before—and he had only written four lines since; so he thought that would probably be the last. Upon my asking him to recite the four lines, he said he had forgotten them.

Both Hardy and Housman, and of course Omar, believed that man is rather small in comparison with the universe, or even with the earth; they didn't believe in human responsibility, in free will, in a purposeful universe, in a Being who watched over and cared for the people of the world. It is evident that if He does, He makes a poor job of it!

Neither Hardy nor Housman had any such delusions. They took the world as they found it and never tried to guess at its origin. They took man as they found him and didn't try to

build castles for him after he was dead. They were essentialiy realists, both of them; and of course long before them Omar had gone over the same field.

It is hardly fair to call the *Rubaiyat* the work of Omar Khayyam. I have read a good many different editions and several different versions. I never read it in Persian, in which it was first written, but I have read not only poetical versions but prose ones. Justin McCarthy brought out a translation a number of years ago which was supposed to be a literal translation of Omar's book. There is no resemblance between that book and the classic under his name that was really written by FitzGerald. There is nothing very remarkable about the Omar Khayyam as found in Justin McCarthy's translation. It is probably ten times as expansive as the one we have, and no one would recognize it from the FitzGerald edition.

The beauty of the *Rubaiyat* is Edward FitzGerald's. He evidently was more or less modest or else he wanted to do great homage to Omar, because no one would ever have suspected that Omar had any more to do with the book than they would have suspected Plato. But, under the magic touch of FitzGerald, it is not only one of the wisest and most profound pieces of literature in the world, but one of the most beautiful productions that the world has ever known.

I remember reading somewhere that when this poem was thrown on the market in London, a long time ago, nobody bought it. They

finally put it out in front of the shop in the form in which it was printed and sold it for a penny. One could make more money by buying those books at a penny and selling them now than he could make with a large block of Standard Oil! It took a long while for Omar and FitzGerald to gain recognition, which makes it rather comfortable for the rest of us who write books to give away, and feel happy when somebody asks us for one, although we suspect they will never read them. But we all think we will be discovered sometime. Some of us hope so and some are fearful that they will be.

Neither Omar nor FitzGerald believed in human responsibility. That is the rock on which most religions are founded, and all laws—that everybody is responsible for his conduct; that if he is good he is good because he deliberately chooses to be good, and if he is bad it is pure cussedness on his part—nobody had anything to do with it excepting himself. If he hasn't free will, why, he isn't anything! The English poet Henley, in one of his poems, probably expressed this about as well as anybody. It looks to me as if he had a case of the rabies or something like that. But people are fond of repeating it. In his brief poem about Fate he says:

> I am the master of my fate
> I am the captain of my soul.

A fine captain of his soul; and a fine master of his fate! He wasn't master enough of his fate to get himself born, which is rather important, nor to do much of anything else, except brag about it. Instead of being the cap-

tain of his soul, as I have sometimes expressed it, man isn't even a deck-hand on a rudderless ship! He is just floating around and trying to hang on, and hanging on as long as he can. But if it does him any good to repeat Henley, or other nonsense, it is all right to give him a chance to do it, because he hasn't much to look forward to, any way. Free will never was a scientific doctrine; it never can be. It is probably a religious conception, which of course shows that it isn't a scientific one.

Neither one of these eminent men, Hardy or Housman, believed anything in free will. There is eight hundred years between Omar and Housman, and yet their philosophy is wondrously alike. I have no doubt but that Omar's philosophy was very like what we find in the rendering of FitzGerald. It is not a strange and unusual philosophy, except in churches and Rotary Clubs and places like that. It is not strange in places where people think or try to, and where they do not undertake to fool themselves. It is rather a common philosophy; it is a common philosophy where people have any realization of their own importance, or, rather, unimportance. A realization of it almost invariably forces upon a human being his own insignificance and the insignificance of all the other human atoms that come and go.

Men's ideas root pretty far back. Their religious creeds are very old. By means of interest and hope and largely fear, they manage to hang on to the old, even when they know it is not true. The idea of man's importance

came in the early history of the human race. He looked out on the earth, and of course he thought it was flat! It looks flat, and he thought it was. He saw the sun, and he formed the conception that somebody moved it out every morning and pulled it back in at night. He saw the moon, and he had the opinion that somebody pulled that out at sundown and took it in in the morning. He saw the stars, and all there was about the stars was, "He made the stars also." They were just "also." They were close by, and they were purely for man to look at, about like diamonds in the shirt bosoms of people who like them.

This was not an unreasonable idea, considering what they had to go on. The people who still believe it have no more to go on. Blind men can't be taught to see or deaf people to hear. The primitive people thought that the stars were right near by and just the size they seemed to be. Of course now we know that some of them are so far away that light traveling at nearly 200,000 miles a second is several million light years getting to the earth, and some of them are so large that our sun, even, would be a fly-speck to them. The larger the telescopes the more of them we see, and the imagination can't compass the end of them. It is just humanly possible that somewhere amongst the infinite number of infinitely larger and more important specks of mud in the universe there might be some organisms of matter that are just is intelligent as our people on the earth. So to have the idea that all of this was made for man gives man a great

deal of what Weber and Field used to call "proud flesh."

Man can't get conceited from what he knows today, and he can't get it from what intellectual people ever knew. You remember, in those days the firmament was put in to divide the water below from the water above. They didn't know exactly what it was made of, but they knew what it was. Heaven was up above the firmament. They knew what it was, because Jacob had seen the angels going up and down on a ladder. Of course, a ladder was the only transportation for such purposes known to Jacob. If he had been dreaming now, they would have been going up in a flying machine and coming down in the same way.

Our conceptions of things root back; and that, of course, is the reason for our crude religions, our crude laws. our crude ideas, and our exalted opinion of the human race.

Omar had it nearer right. He didn't much over-estimate the human race. He knew it for what it was, and that wasn't much. He knew about what its power was; he didn't expect much from the human race. He didn't condemn men, because he knew he couldn't do any better. As he puts it.

But helpless Pieces of the Game He plays
Upon this Chequer-Board of Nights and Days;
Hither and thither moves, and checks and slays
And one by one back in the Closet lays.

Compare that conception with Mr. Henley's, with his glorious boast that he is the captain of his soul and the master of his fate. Anyone who didn't catch that idea from the ordinary

thought of the community, but carved it out for himself, would be a subject for psychopathic analysis and examination. When you have an idea that everybody else has, of course you are not crazy, but if you have silly ideas that nobody else has, of course you are crazy. That is the only way to settle it.

Most people believe every day many things for which others are sent to the insane asylum. The insane asylums are full of religious exaltants who have just varied a little bit from the standard of foolishness. It isn't the foolishness that places them in the bug-house, it is the slight variations from the other fellows' foolishness—that is all. If a man says he is living with the spirits today, he is insane. If he says that Jacob did, he is all right. That is the only difference.

Omar says we are simply "impotent pieces in the game He plays"—of course, he uses a capital letter when he spells *He* which is all right enough for the purpose—"in the game He plays upon this chequer-board of nights and days." And that is what man is. If one could vision somebody playing a game with human pawns, one would think that everyone who is moved around here and there was moved simply at the will of a player and he had nothing whatever to do with the game, any more than any other pawn. And he has nothing more to do with it than any other pawn.

Omar expresses this opinion over and over again. He doesn't blame man; he knows the

weakness of man. He knew the cruelty of judging him.

> The Moving Finger writes; and having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a line,
> Nor all your Tears wash out a Word of it.

Whatever the impulse calls one to do, whatever the baubles or the baits that set in motion many acts, however quickly or emotionally, the consequences of the acts, as far as he is concerned, never end. All your piety and all your wit cannot wipe out a word of it! Omar pities man; he doesn't exalt God, but he pities man. He sees what man can do; and, more important still, he sees what he cannot do. He condemns the idea that God could or should judge man. The injustice of it, the foolishness of it all, appeals to him and he puts it in this way:

> O Thou who didst with pitfall and with gin
> Beset the Road I was to wander in,
> Thou wilt not with Predestin'd Evil round
> Enmesh, and then impute my Fall to Sin!

Nothing ever braver and stronger and truer than that! Preachers have wasted their time and their strength and such intelligence and learning as they can command, talking about God forgiving man, as if it was possible for man to hurt God, as if there was anything to be forgiven from man's standpoint. They pray that man be forgiven and urge that man should be forgiven. Nobody knows for what, but still it has been their constant theme. Poets have done it; Omar knew better. Brave and strong

and clear and far-seeing, although living and dying eight hundred years ago. This is what he says about forgiveness:

O thou, who Man of baser Earth didst make,
And ev'n with Paradise devised the Snake:
For all the sin wherewith the Face of Man
Is blacken'd—Man's forgiveness give—and take!

"Man's forgiveness give—and take!" If man could afford to forgive God, He ought to be willing to forgive man. Omar knew it. "Ev'n with paradise devised the snake." Taking the orthodox theory, for all the sin with which the earth is blackened, "Man's forgiveness give—and take!" That is courage; it is science. It is sense, and it isn't the weak, cowardly whining of somebody who is afraid he might be hurt unless he whines and supplicates, which he always does, simply hoping that some great power will have compassion on him. Always cowardice and fear, and nothing else!

Omar was wise enough to know that if there was any agency responsible for it, that agency was responsible. He made us as we are, and as He wished to make us, and to say that a weak, puny, ignorant human being, here today and gone tomorrow, could possibly injure God or be responsible for his own weakness and his ignorance, of course is a travesty upon all logic; and of course it does great credit to all superstition, for it couldn't come any other way.

* * *

Housman is equally sure about this. He knows about the responsibility of man. Strange how wonderfully alike runs their philosophy!

Housman condemned nobody. No pessimist does—only good optimists. People who believe in a universe of law never condemn or hate individuals. Only those who enthrone man believe in free will, and make him responsible for the terrible crudities of Nature and the force back of it, if there is such a force. Only they are cruel to the limit.

One can get Housman's idea of the responsibility of the human being from his beautiful little poem, "The Culprit," the plaintive wailing of a boy to be executed the next morning, when he, in his blindness and terror, asked himself the question, "Why is it and what does it all mean?" and thought about the forces that made him, and what a blind path he traveled, as we all do. He says:

The night my father got me
  His mind was not on me;
He did not plague his fancy
  To muse if I should be
  The son you see.

The day my mother bore me
  She was a fool and glad,
For all the pain I cost her,
  That she had borne the lad
  That borne she had.

My mother and my father
  Out of the light they lie;
The warrant would not find them,
  And here 'tis only I
  Shall hang on high.

Oh let no man remember
  The soul that God forgot,
But fetch the county kerchief
  And noose me in the knot,
  And I will rot.

For so the game is ended
That should not have begun.
My father and my mother
They have a likely son,
And I have none.

Nobody lives in this world to himself or any part of himself. Nobody fashions his body, and still less is responsible for the size or the fineness of his brain and the sensitiveness of his nervous system. No one has anything to do with the infinite manifestations of the human body that produce the emotions, that force men here and there. And yet religion in its cruelty and its brutality brands them all alike. And the religious teachers are so conscious of their own guilt that they only seek to escape punishment by loading their punishment onto someone else. They say that the responsibility of the individual who in his weakness goes his way is so great and his crimes are so large that there isn't a possibility for him to be saved by his own works.

* * *

The law is only the slightest bit more intelligent. No matter who does it, or what it is, the individual is responsible. If he is manifestly and obviously crazy they may make some distinction; but no lawyer is wise enough to look into the human mind and know what it means. The interpretations of the human judges were delivered before we had any science on the subject whatever, and they continue to enforce the old ideas of insanity, in spite of the fact that there isn't an intelligent human being in the world who has studied the

question who ever thinks of it in legal terms. Judges instruct the jury that if a man knows the difference between right and wrong he cannot be considered insane. And yet an insane man knows the difference better than an intelligent man, because he has not the intelligence and the learning to know that this is one of the hardest things to determine, and perhaps the most impossible. You can ask the inmates of any insane asylum whether it is right to steal, lie, or kill, and they will all say "No," just as little children will say it, because they have been taught it. It furnishes no test, but still lawyers and judges persist in it, to give themselves an excuse to wreak vengeance upon unfortunate people.

Housman knew better. He knew that in every human being is the imprint of all that has gone before, especially the imprint of his direct ancestors. And not only that, but that it is the imprint of all the environment in which he has lived, and that human responsibility is utterly unscientific, and besides that, horribly cruel.

Another thing that impressed itself upon all these poets alike was the futility of life. I don't know whether a college succeeds in making pupils think that they are very important in the scheme of the universe. I used to be taught that we were all very important. Most all the boys and girls who were taught it when I was taught it are dead, and the world is going on just the same. I have a sort of feeling that after I am dead it will go on just the same,

and there are quite a considerable number of people who think it will go on better. But it won't; I haven't been important enough even to harm it. It will go on just exactly the same.

We are always told of the importance of the human being and the importance of everything he does; the importance of his not enjoying life, because if he is happy here of course he can't be happy hereafter, and if he is miserable here he must be happy hereafter. Omar made short work of that, of those promises which are not underwritten, at least not by any responsible people. He did not believe in foregoing what little there is of life in the hope of having a better time hereafter.

He says, "Ah, take the Cash and let the Credit go." Good advice that: "Ah, take the Cash and let the Credit go." If you take the "Credit," likely as not you will miss your fun both here and hereafter. Omar knew better.

It is strange how the religious creeds have hammered that idea into the human mind. They have always felt there was a kinship between pleasure and sin. A smile on the face is complete evidence of wickedness. A solemn, uninteresting countenance is a stamp of virtue and goodness, of self-denial, that will surely be rewarded. Of course, the religious people are strangely hedonistic without knowing it. You couldn't expect them to know it! There are some of us who think that the goodness or badness of an act in this world can be determined only by pain and pleasure units. The thing that brings pleasure is good, and the

thing that brings pain is bad. There is no other way to determine the difference between good and bad. Some of us think so: I think so.

Of course, the other class roll their eyes and declaim against this heathen philosophy, the idea that pain and pleasure have anything to do with the worth-whileness of existence. It isn't important for you to be happy here. But why not? You are too miserable here so you will be happy hereafter; and the hereafter is long and the here is short. They promise a much bigger prize than the pagan for the reward of conduct. They simply want you to trust them. They take the pain and pleasure theory with a vengeance, but they do business purely on credit. They are dealers in futures! I could never understand, if it was admissible to have joy in heaven, why you couldn't have it here, too. And if joy is admissible at all, the quicker you get at it the better, and the surer you are of the result. Omar thought that: "Ah, take the Cash, and let the Credit go!" Take the Cash and let the other fellow have the Credit! That was his philosophy, and I insist it is much better, and more intelligent philosophy than the other.

But Omar had no delusions about how important this human being is. He had no delusions about the mind, about man's greatness. He knew something about philosophy or metaphysics, whatever it is. He knew the uncertainty of human calculations, no matter who arrived at them. He knew the round-about way that people try to find out something,

and he knew the results. He knew the futility of all of it.

Myself when young did eagerly frequent
Doctor and Saint, and heard great argument
About it and about: but evermore
Came out by the same door where in I went.

That is what Omar thought. Man evermore came out by the same door where in he went. Therefore, "take the Cash and let the Credit go!" He put it even stronger than this. He knew exactly what these values were worth, if anything. He knew what a little bit there is to the whole bag of tricks. What's the difference whether you were born 75 years ago, or fifty or twenty-five? What's the difference whether you are going to live ten years, or twenty or thirty, or whether you are already dead? In that case you escape something! This magnifying the importance of the human being is one of the chief sins of man and results in all kinds of cruelty.

If we took the human race for what it is worth, we could not be so cruel. Omar Khayyam knew what it was, this life, that we talk so much about:

'Tis but a Tent where takes his one day's rest
A Sultan to the realm of Death addrest;
The Sultan rises, and the dark Ferrash
Strikes, and prepares it for another Guest.

"'Tis but a Tent where takes his one day's rest"—is there anything else, if one could just make a survey of the human being, passing across the stage of life? I suppose man has been upon the earth for over a million years.

A million years, and perhaps his generations may be thirty to thirty-five years long. Think of the generations in a thousand years, in 5,000 years, in a hundred thousand, in a million years! There are a billion and a half of these important organisms on the earth at any one time. All of them, all important—kings, priests and professors, and doctors and lawyers and presidents, and 100 per cent Americans, and everything on earth you could think of—Ku Kluxers, W. C. T. U.'s, Rotarians, Knights of Columbus and Masons, everything. All of them important in this scheme of things! All of them seeking to attract attention to themselves, and not even satisfied when they get it!

What is it all about? It is strange what little things will interest the human mind—baseball games, fluctuations of the stock market, revivals, foot races, hangings, anything. Anything will interest them. And the wonderful importance of the human being!

* * *

Housman knew the importance just as well as Omar. He has something to say about it, too. He knew it was just practically nothing. Strangely like him! The little affairs of life, the little foolishnesses of life, the things that consume our lives without any result whatever; he knew them and knew what they were worth. He knew they were worth practically nothing. But we do them; the urge of living keeps us doing them, even when we know how useless and foolish they are. Housman understood them:

Yonder see the morning blink:
The sun is up, and up must I,
To wash and dress and eat and drink
And look at things and talk and think
And work, and God knows why.

Oh often have I washed and dressed
And what's to show for all my pain?
Let me lie abed and rest:
Ten thousand times I've done my best
And all's to do again.

That is what life is, rising in the morning and washing and dressing and going to recitations and studying and forgetting it, and then going to bed at night, to get up the next morning and wash and dress and go to recitation, and so on, world without end.

One might get a focus on it from the flies. They are very busy buzzing round. You don't exactly know what they are saying, because we can't understand fly language. Professors can't teach you fly language! We can't tell what they are saying, but they are probably talking about the importance of being good, about what's going to happen to their souls and when. And when they are stiff in the morning in the Autumn and can hardly move round, the housewife gets up and builds the fire, and the heat limbers them up. She sets out the bread and butter on the table. The flies come down and get into it, and they think the housewife is working for them. Why not?

Is there any difference? Only in the length of the agony. What other? Apparently they have a good time while the sun is shining, and apparently they die when they get cold. It is a proposition of life and death, forms of matter

clothed with what seems to be consciousness, and then going back again into inert matter, and that is all. There isn't any manifestation that we humans make that we do not see in flies and in other forms of matter.

Housman understands it; they have all understood it. Read any of the great authors of the world—any of them; their hopes and their fears and their queries and their doubts are about the same. There is only one man I know of that can answer everything, and that is Dr. Cadman.

Housman saw it. He knew a little of the difference between age and youth—and there is some. The trouble is, the old men always write the books; they write them not in the way they felt when they were young, but in the way they feel now. And they preach to the young, and condemn them for doing what they themselves did when they had the emotion to do it. Great teachers, when they grow old! Perhaps it is partly envy and the desire that no one shall have anything *they* can't have. Likely it is, but they don't know it. Housman says something about this:

When first my way to fair I took
  Few pence in purse had I,
And long I used to stand and look
  At things I could not buy.

Now times are altered: if I care
  To buy a thing I can;
The pence are here and here's the fair,
  But where's the lost young man?

The world is somewhat different. The lost young man was once looking at the fair. He couldn't go in, and he liked it more for that;

but now he is tired of the fair and tired of the baubles that once amused him and the riddles he once tried to guess, and he can't understand that the young man still likes to go to the fair.

* * *

We hear a great deal said by the ignorant about the wickedness of the youth of today. Well, I don't know: some of us were wicked when we were young. I don't know what is the matter with the youth of today having their fling. I don't know that they are any wickeder today. First, I don't know what the word wicked means. Oh, I do know what it means: it means unconventional conduct. But I don't know whether unconventional conduct is wicked in the sense they mean it is wicked, or whether conventional conduct is good in the sense they mean it is good. Nobody else knows!

But I remember when I was a boy—it was a long time ago—I used to hear my mother complain. My mother would have been pretty nearly 125 years old if she had kept on living, but luckily for her she didn't! I used to hear her complain of how much worse the girls were that she knew than the girls were when she was a girl. Of course, she didn't furnish any bill of particulars; she didn't specify, except not hanging up their clothes, and gadding, and things like that. But at any rate, they were worse. And my father used to tell about it, and I have an idea that Adam and Eve used to talk the same fool way.

The truth is, the world doesn't change, or

the generations of men or the human emotions. But the individual changes as he grows old. You hear about the Revolt of Youth. Some people are pleased at it and some displeased. Some see fine reasons for hope in what they call the *youth movement*. They can put it over on the old people, but not on the youth! There is a Revolt of Youth.

Well, youth has always been in revolt. The greatest trouble with youth is that it gets old. Age changes it. It doesn't bring wisdom, though most old people think because they are old they have wisdom. But you can't get wisdom by simply growing old. You can even forget it that way! Age means that the blood runs slow, that the emotions are not as strong, that you play safer, that you stay closer to the hearth. You don't try to find new continents or even explore old ones. You don't travel into unbeaten wilderness and lay out new roads. You stick to the old roads when you go out at all.

The world can't go on with old people. It takes young ones that are daring, with courage and faith.

The difference between youth and old age is the same in every generation. The viewpoint is in growing old, that is all. But the old never seem wise enough to know it, and forever the old have been preaching to the young. Luckily, however, the young pay very little attention to it. They sometimes pretend to, but they never do pay much attention to it. Otherwise, life could not exist.

* * *

Both of these poets saw the futility of life: the little things of which it is made, scarcely worth the while. It is all right to talk about futility. We all know it, if we know much of anything. We know life is futile. A man who considers that his life is of very wonderful importance is awfully close to a padded cell. Let anybody study the ordinary, everyday details of life; see how closely he is bound and fettered; see how little it all amounts to.

* * *

There are a billion and a half people in the world, all of them trying to shout loud enough to be heard all at once, so as to attract the attention of the public, so they may be happy. A billion and a half of them, and if they all attracted attention none of them would have attention! Of course, attention is only valuable if the particular individual attracts it and nobody else can get it. That is what makes presidents and kings—they get it and nobody else.

Then when you consider that it is all made up of little things, what is life all about, anyway? We do keep on living. It is easy enough to demonstrate to people who think that life is not worth while. We could do it easier if we could only settle what worth while means. But if we settle it and convince ourselves that it is not worth while, we still keep on living. Life does not come from willing; rather it does not come from thought and reason. I don't live because I think it is worth while; I live because I am a going concern, and every going concern tries to keep on going, I don't

care whether it is a tree, or a plant, or what we call a lower animal, or man, or the Socialist party. Anything that is going tries to go on by its own momentum, and it does just keep on going—it is what Schopenhauer called the *will to live.* So we must assume that we will live anyhow as long as we can. When the machine runs down we don't have to worry about it any longer.

Housman asked himself this question, and Omar asked himself this question. Life is of little value. What are we going to do while we live? In other words, what is the purpose, if we can use the word *purpose* in this way, which is an incorrect way? What purpose are we going to put into it? Why should we live; and if we must live, then what? Omar tells us what. He knew there was just one thing important; he knew what most thinkers know today. He put it differently—he and FitzGerald together. It is a balance between painful and pleasurable emoti ns. Every organized being looks for pleasurable emotions and tries to avoid painful ones. The seed planted in the ground seeks the light. The instinct of everything is to move away from pain and toward pleasure. Human beings are just like all the rest. The earth and all its manifestations are simply that. Omar figured it out, and after philosophizing and finding that he ever came out the same door where in he went, he said:

You know, my Friends, with what a brave Carouse
I made a Second Marriage in my house;
Divorced old barren Reason from my Bed,
And took the Daughter of the Vine to Spouse.

That is one way of forgetting life—one way of seeking pleasurable emotions: "I took the Daughter of the Vine to Spouse." A way that has been fairly popular down through the ages! Even in spite of the worst that all the fanatics could possibly do, it has been a fairly universal remedy for the ills of man. It would be perfect if it were not for the day after!

He says in his wild exuberance:

Come, fill the Cup, and in the fire of Spring
Your Winter-Garment of Repentance fling:
The Bird of Time has but a little way
To flutter—and the Bird is on the Wing.

There isn't much of it; but while it is fluttering, help it. It has but a little way to flutter, and it is on the wing!

To those who are not quite so strenuous, there is an appeal more to beauty, a somewhat more permanent although not much more, but a more beautiful conception of pleasure, which is all he could get:

A Book of Verses underneath the Bough,
A Jug of Wine, a Loaf of Bread—and Thou
Beside me singing in the Wilderness—
Oh, Wilderness were Paradise enow!

Well, if you get the right jug and the right book and the rest of the paraphernalia, it isn't so bad!

* * *

It is strange that two so different human beings have sought about the same thing. This physical emotional life that we hear so much about is the only life we know anything about. They sought their exaltation there, and Omar

Khayyam pictured it very well. Housman again does as well. What does he say about the way to spend life and about life?

Loveliest of trees, the cherry now
Is hung with bloom along the bough,
And stands about the woodland ride
Wearing white for Eastertide.

Now, of my threescore years and ten,
Twenty will not come again,
And take from seventy springs a score,
It only leaves me fifty more.

And since to look at things in bloom
Fifty springs are little room,
About the woodlands I will go
To see the cherry hung with snow.

What else is there? So while the light is still on and while I can still go, and when the cherry is in bloom—I will go to see the cherries hung with snow.

That is the whole philosophy of life for those who think; that is all there is to it, and it is what everybody is trying to do, without fully realizing it. Many are taking the Credit and letting the Cash go. Housman is right about that.

Since to look at things in bloom
Fifty springs are little room,
About the woodlands I will go
To see the cherry hung with snow.

That is why I have so little patience with the old preaching to the young. If youth, with its quick-flowing blood, its strong imagination, its virile feeling; if youth, with its dreams and its hopes and ambitions, can go about the woodland to see the cherry hung with snow, why not?

Who are the croakers, who have run their race and lived their time, who are they to keep back expression and hope and youth and joy from a world that is almost barren at the best?

It has been youth that has kept the world alive; it will be, because from the others emotion has fled; and with the fleeing of emotion, through the ossification of the brain, all there is left for them to do is to preach. I hope they have a good time doing that, and I am so glad the young pay no attention to it!

* * *

Of course, Housman and Omar and the rest of us are called pessimists. It is a horrible name. What is a pessimist, anyway? It is a man or a woman who looks at life as life is. If you could, you might take your choice, perhaps, as to being a pessimist or a pipe dreamer. But you can't have it, because you look at the world according to the way you are made. Those are the two extremes. The pessimist takes life for what life is: not all sorrow, not all pain, not all beauty, not all good. Life is not black; life is not orange, red, or green, or all the colors of the rainbow. Life is no one shade or hue.

It is well enough to understand it. If pessimism could come as the result of thought, I would think a pessimist was a wise man. What is an optimist, anyway? He reminds me of a little boy running through the woods and looking up at the sky and not paying any attention to the brambles or thorns he is scrambling through. There is a stone in front of him and he trips over the stone. Browning said, "God's

in his heaven and all's right with the world." Others say, "God is Love, Love is God," and so on. A man who thinks that is bound to be an optimist. He believes that things are good.

The pessimist doesn't necessarily think that everything is bad, but he looks for the worst. He knows it will come sooner or later. When an optimist falls, he falls a long way; when a pessimist falls it is a very short fall. When an optimist is disappointed he is very, very sad, because he believed it was the best of all possible worlds, and God's in his heaven and all's well with the world. When a pessimist is disappointed he is happy, for he wasn't looking for anything.

This is the safest and by all odds it is the wisest outlook. Housman has put it in a little poem. It is about the last thing I shall give you. Housman is the only man I know of who has written a poem about pessimism. Nearly all the people who are talking about pessimism talk in prose; it is very prosy. Poems are generally written about optimism:

> I am the master of my fate;
> I am the captain of my soul.

Those are the sort of poems. Of course there have been poems written about pessimism. Poetry is really, to my way of thinking, good only if it is beauty and if it is music.

I don't mean tonight to discuss the question of free verse and poetry, or the comparative merits of the two styles, or of prose, but I do think that poetry is an exaltation and that you can't hold it for long. Poetry ought to

have beauty and it ought to have music. It should have both. You can be the poet of sadness; sadness lends itself to poetry as much as gladness, although few poets know how to use it. Listen to this from Housman:

> With rue my heart is laden,
> For golden friends I had,
> For many a rose-lipt maiden
> And many a lightfoot lad.
>
> By brooks too broad for leading
> The lightfoot boys are laid,
> The rose-lipt girls are sleeping
> In fields where roses fade.

That is sad, isn't it? But it is beautiful.

I remember once, years and years ago, reading Olive Schreiner's *Story of an African Farm*, in which she describes the simple Boers of South Africa, with their sorrows and their pleasures. She used this expression, which it took me some time to understand, in describing pain and pleasure: "There is a depth of emotion so broad and deep that pain and pleasure are the same." They are the same, and I think they find their meeting in beauty. The beauty, even if it is painful, is still beauty. You find the meeting of pain and pleasure, and you can hardly distinguish between the two emotions.

Housman knew it; he knew how to do it. Here is his idea of the young lad who dies: not passes on—passes off. He dies:

> Now hollow fires burn out to black
> And lights are guttering low:
> Square your shoulders, lift your pack,
> And leave your friends and go.

Oh never fear man, nought's to dread,
Look not left nor right:
In all the endless road you tread
There's nothing but the night.

Does it bring you painful or pleasurable emotions? It is beautiful; it is profound; it is deep. To me the painful and pleasurable are blended in the beauty, and I think the two may be one.

* * *

Housman, as I have said, is the only one I know who wrote a poem of pessimism; and this, like all of his, is very short, and I will read it. Somebody else may have written one; but Housman carries the philosophy of pessimism into poetry, perhaps the philosophy that I have given you. This poem is supposed to be introduced by somebody who complains of Housman's dark, almost tragical verses. For in every line that he ever wrote there is no let down. He is like Hardy; he never hauled down the flag. Life to him was what he saw; what the world saw meant nothing. This was the view in all of Housman's work. In all of his work there is not one false note; and when I say a false note I mean one that is not in tune with the rest. This is his idea of pessimism in poetry:

"Terence, this is stupid stuff:
You eat your victuals fast enough;
There can't be much amiss, 'tis clear,
To see the rate you drink your beer.
But oh, good Lord, the verse you make,
It gives a chap the belly-ache.

We poor lads, 'tis our turn now
To hear such tunes as killed the cow.
Pretty friendship 'tis to rhyme
Your friends to death before their time
Moping melancholy mad:
Come, pipe a tune to dance to, lad."

Why, if 'tis dancing you would be,
There's brisker pipes than poetry.
Say, for what were hop-yards meant,
Or why was Burton built on Trent?
Oh many a peer of England brews
Livelier liquor than the Muse,
And malt does more than Milton can
To justify God's ways to man.
Ale, man, ale's the stuff to drink
For fellows whom it hurts to think:
Look into the pewter pot
To see the world as the world's not.
And faith, 'tis pleasant till 'tis past:
The mischief is that 'twill not last.

Oh I have been to Ludlow fair
And left my necktie God knows where,
And carried half way home, or near,
Pints and quarts of Ludlow beer:
Then the world seemed none so bad,
And I myself a sterling lad;
And down in lovely muck I've lain,
Happy till I woke again.
Then I saw the morning sky:
Heigho, the tale was all a lie;
The world it was the old world yet,
I was I, my things were wet,
And nothing now remained to do
But begin the game anew.

Therefore, since the world has still
Much good, but much less good than ill,
And while the sun and moon endure
Luck's a chance, but trouble's sure,
I'd face it as a wise man would,
And train for ill and not for good.

'Tis true, the stuff I bring for sale
Is not so brisk a brew as ale:
Out of a stem that scored the hand
I wrung it in a weary land.
But take it: if the smack is sour,
The better for the embittered hour;
It should do good to heart and head
When your soul is in my soul's stead;
And I will friend you, if I may,
In the dark and cloudy day.

"Luck's a chance, but trouble's sure." The moral of it is to "train for ill and not for good."

If I had my choice, I would not like to be an optimist, even assuming that people did not know that I was an idiot. I wouldn't want to be an optimist because when I fell I would fall such a terribly long way. The wise man trains for ill and not for good. He is sure he will need that training, and the other will take care of itself as it comes along.

Of course, life is not all pleasant; it is filled with tragedy. Housman has told us of it, and Omar Khayyam tells us of it. No man and no woman can live and forget death. However much they try, it is there, and it probably should be faced like anything else. Measured time is very short. Life, amongst other things, is full of futility.

Omar Khayyam understood, and Housman understood. There are other poets that have felt the same way. Omar Khayyam looked on the shortness of life and understood it. He pictured himself as here for a brief moment. He loved his friends; he loved companionship; he loved wine. I don't know how much of it he drank. He talked about it a lot. It

might have symbolized more than it really meant to him. It has been a solace all down through the ages. Not only that, but it has been the symbol of other things that mean as much—the wine of life, the joy of living.

THE LORD'S DAY ALLIANCE

Clarence Darrow

This veteran of the courts, who has spent fifty years tearing deserved holes in the law, takes and swings his priceless irony towards these professional Christians. When do we rest and when do we play? Apparently we don't. What price salvation? It's not worth it.

Among the various societies that are engaged in the business of killing pleasure, the Lord's Day Alliance of New York deserves a place of honor. If any poor mortal is caught enjoying life on Sunday its agents gleefully hie themselves to the nearest legislature and urge a law to stop the fun. Their literature and periodicals tell very plainly the kind of business they are in. This association of crape-hangers seems to be especially interested in the State of New York, which contains about one-tenth of the population of the Union, and among them an unusually large number of foreigners and other heathen who have not been taught the proper regard for the sanctity of the Sabbath.

The activities of this Alliance in New York still leave them ample time to watch the sinners in the other states and bring to book the wicked who are bent on having pleasure on the holy Sabbath Day. In their own language, the work is "in the interests of the preservation and promotion of the Lord's Day as the American Christian Sabbath . . . to oppose all adverse measures seeking to weaken the law and

to seek the passage of such measures as would tend to strengthen it." The Alliance informs us that "in the last four years it has furnished sixty-seven addresses per month, on an average. During this time over three hundred and twenty institute meetings have been held for the study of the Sabbath question. Several million pages of literature have been distributed." It "also furnishes press articles and syndicate matter for the newspapers." Imagine an institute spending so much time in the study of the Sabbath question! If they have learned anything on that subject it is not revealed in their tracts.

These Lord's Day folk seek to protect the day "in the interest of the home and the church," "to exalt Jesus Christ who is Lord of the Sabbath Day and to spread the knowledge of the will of God that His Kingdom may come and His will may be done." Though the organization is still young it points to a long list of glorious achievements. We are informed that "no adverse measure affecting the Sabbath has passed at Albany during this time, although forty-two such measures have been introduced in the legislature. . . . A representative of our organization has been present on each occasion to oppose all such adverse measures." It boasts that it "opposed the opening of the State Fair in 1925 on Sunday, by vigorous protest to the members of the Commission and the Attorney General." The result was a ruling from the Attorney General sustaining the law. Of course, so long as no one could go to the fair on Sunday the people were obliged to go to

church. It "has defeated annually an average of forty commercial and anti-Sunday bills in our legislature and has brought about the closing of the First and Second Class Post Offices on Sunday. . . . As a result, thousands are in our churches each Sunday." It has been thanked by President Coolidge for the services rendered hundreds of thousands of government employees in the District of Columbia and elsewhere throughout the nation." What further honor could anybody get on earth? It has "accepted the challenge and in scores of places defeated . . . commercial amusement forces which have declared a nation-wide fight to the finish for Sunday movies and are even proposing to enlist the aid of the churches in their unholy campaign." It succeeded in "changing the date of the gigantic air carnival to which admission was charged, from Sunday, August 2, to Saturday, August 1, 1925, held at Bolling Field, Washington." No one but a parson has the right to charge for his performance on Sunday. Through its request "the War Department issued orders on November 2, 1925, covering every military post in the United States, banning Sunday public air carnivals and maneuvers." It is "now leading a country-wide movement for the enactment of a Sunday rest law for the District of Columbia. Washington needs and must have a Sunday rest law." It informs us that the "day must be kept above the Dollar, Christ above Commercialism on the Lord's Day, the person must have the right of way over the Pocketbook on our American Sunday."

Surely this is a great work and deserves the active support and sympathy of all people who are really interested in driving pleasure-seekers from golf grounds, automobile trips, baseball parks, moving-picture houses and every other form of pleasure on Sunday. It is possible that for lack of any other place to go, some of them might be compelled to park themselves in church. If America does not succeed in bringing back the ancient Puritan Sabbath with its manifold blessings, it will not be the fault of the Lord's Day Alliance.

As a part of this noble work the organization publishes various pamphlets and leaflets and scatters them broadcast through the land. As a rule, these pamphlets are the effusions of more or less obscure parsons. These preachers have special knowledge of God's plans and God's will. Their sermonettes are conflicting in their statements and utterly senseless in their assertions. The sentries of the Alliance on guard at the state capitals and in the national Congress, while these wise bodies are in session, have no doubt succeeded in coercing spineless members of legislative bodies to yield to their will and their parade of votes; and thus spread considerable gloom over the United States on the Sabbath Day.

These Lord's Day Alliance gentlemen are not only religious but scientific. For instance, they publish a pamphlet written by one Dr. A. Haegler, of Basle, Switzerland, in which he says that experiments have shown that during a day's work a laborer expends more oxygen than he can inhale. True, he catches up with

a large part of this deficiency through the night time, but does not regain it all. It follows, of course, that if he keeps on working six days a week, for the same time each day, he will be out a considerable amount of oxygen, and the only way he can make it up is to take a day off on Sunday and go to church. This statement seems to be flawless to the powerful intellects who put out this literature. Any person who is in the habit of thinking might at once arrive at the conclusion that if the workman could not take in enough oxygen gas in the ordinary hours of work and sleep he might well cut down his day's work and lengthen his sleep and thus start even every morning. This ought to be better than running on a shortage of gas all through the week. Likewise, it must occur to most people that there are no two kinds of labor that consume the same amount of oxygen gas per day, and probably no two human systems that work exactly alike. Then, too, if the workman ran behind on his oxygen gas in the days when men worked from ten to sixteen hours a day he might break even at night, since working hours have been reduced to eight or less, with a Saturday half-holiday thrown in. It might even help the situation to raise the bedroom window at night. These matters, of course, do not occur to the eminent doctor who wrote the pamphlet and the scientific gentlemen who send it out. To them the silly statement proves that a man needs to take a day off on Sunday and attend church in order that he may catch up on his oxygen. To them it is perfectly plain that for catching up

on oxygen the church has a great advantage over the golf links or the baseball park, or any other place where the wicked wish to go. This in spite of the fact that in crowded buildings the oxygen might be mixed with halitosis.

The exact proof that these patrons marshal for showing that the need of a Sunday rest is manifest in the nature of things is marvelous. If the need of Sunday rest was meant to be shown by natural law it seems as if this should have been clearly indicated, especially if the righteous God had determined to punish Sunday violations with death and hell. There was no reason why the Creator should have been content to leave the proof to a revelation said to have been made in a barbarous age to an unknown man, hidden in the clouds on the top of a high mountain peak. Humans would not have graven such an important message on a tablet of stone and then insisted that the tablet should be destroyed before any being except Moses had set eye upon it. Even God should not ask for faith that amounts to credulity and gross superstition.

A deity could have written the Sabbath requirements plain on the face of nature. For instance, he might have made the waves be still on the seventh day of the week; the grass might have taken a day off and rested from growing until Monday morning; the wild animals of the forest and glen might have refrained from fighting and eating and chasing and maiming and have been made to close their eyes on the Sabbath Day, and to have kept peace and tranquillity. The earth might have

paused in its course around the sun or stood still on its axis. It should have been as important to make this gesture in homage of the day as it was to help Joshua hold the sun in leash that a battle might be prolonged. If nature had made plain provision for the Sabbath Day it would be patent to others as well as to the medicine men who insist that the Sabbath Day was made for their profit alone.

* * *

But let us pass from the realm of science, where pastors never did especially shine, into a field where they are more likely to excel. Here it is fairly easy to see what it is all about. The Reverend McQuilkin, Pastor at Orange, New Jersey, furnishes a pamphlet for The Lord's Day Alliance. Read what the Doctor says:

> God claims the Sabbath for himself in a very unique, distinctive way as a day of rest and worship. He again and again commands you to spend its hours in the conservation of our spiritual power in the exercise of public and private worship. To spend this holy day in pleasure or unnecessary secular labor is to *rob God.* We have got to be careful how we take the hours of the Sabbath for secular study or work, for God will surely bring us to judgment concerning the matter. Church attendance is a definite obligation, a debt which we owe to God.

Here is where the Alliance seems to strike pay dirt! What reason has God to claim the Sabbath for Himself, and why is God robbed if a man should work on Sunday? It can hardly be possible that the puny insects that we call men could disturb God in His Sunday rest. Is

it not a little presumptuous even to parsons, to say that a debt to the church is a debt to God?

To emphasize the importance of leaving the Sabbath to the preachers, we are warned of the fate of the sinner who profanes the Sabbath by work or play. The Lord's Day Alliance has issued a little folder on which there is the following heading in large letters: THE IMPORTANCE OF THE DEATH PENALTY. Under it is printed this timely caution: "Six days shall work be done, but on the seventh day is a Sabbath of solemn rest, holy to Jehovah; whosoever doeth any work on the Sabbath Day shall surely be put to death. Ex. 31-35." The pamphlet also states that a wealthy business man is furnishing the money for the distribution of this sheet. If this barbarous statement represents the views of the Lord's Day Alliance then what is the mental caliber of the Congressmen, members of the legislatures, judges, and the public that are influenced by their ravings? Can anyone but an idiot have any feeling but contempt for men who seek to scare children and old women with such infamous stuff?

Let us see what the Bible says on this important subject. In Exodus 19:8-12 we find not only the commandment which was delivered to Moses in reference to the Sabbath, but the reasons for such a commandment:

> Remember the Sabbath Day to keep it holy. Six days shalt thou labor and do all thy work; but the seventh day is the Sabbath of the Lord thy God. In it thou shalt do no work, thou, nor thy son, nor thy daughter, nor thy man servant nor thy maid servant

nor the cattle which is within thy gates; *for in six days the Lord made heaven and earth, the sea and all that is in them and rested the seventh day, wherefore the Lord blessed the Sabbath Day and hallowed it.*

It is plain from this commandment that the Sabbath was not instituted in obedience to any natural law or so that man might catch up on his supply of oxygen, but because the Lord in six days had performed the herculean task of creating the universe out of nothing. Therefore, every man must rest on the seventh, no matter whether he has been working and is tired or not. This is made even more binding in Exodus 35:2:

Six days shall work be done; upon the seventh day there shall be to you a holy day, the Sabbath of the rest of the Lord. Whosoever doeth work therein shall be put to death.

In view of the commands of God, certainly his special agents on the earth cannot be blamed for cruelty, no matter what ferocious doctrine they may preach. In Numbers 28:9-10, in connection with various offerings that the Law required on the Sabbath, a provision is made for meat offerings and drink offerings. The meat offerings enjoin the sacrifice of lambs by fire as "a sweet savor unto the Lord," and then the Lord provides that the pastor shall further:

Sacrifice on the Sabbath Day two lambs of the first year without spot and two-tenths of a part of an ephah of fine flour for a meal-offering, mingled with oil and the drink offering thereof: this is the burnt-offering of every Sabbath, besides the continual burnt-offering and his drink offering.

It is evident that the lambs less than one year old. without spot, were to be burned because they were so young and innocent and would therefore make such a "sweet savor unto the Lord." Nothing is lacking in this smell but mint sauce. If Moses is to be obeyed on pain of hell in his command to abstain from work or play on the Sabbath why is the rest of the program any less sacred? How can the holy parsons release their congregations from the sacrifice of the two spotless lambs and the two-tenths of an ephah of fine flour mingled with oils?

In the Fifteenth Chapter of Numbers, it is related that while the children of Israel were in the wilderness they found a man gathering sticks on the Sabbath Day. The Hebrews were evidently at a loss to know what should be done with him for this most heinous offense, so they put him in "ward" to await the further orders of the Lord. It is then related, "and the Lord said unto Moses: The man shall surely he put to death; all the congregation shall stone him with stones without the camp. And all the congregation brought him without the camp and stoned him to death with stones: *as Jehovah commanded Moses.*" In spite of manifold texts like this there are persons who protest that they love this bloody, barbarous, tribal God of the Jews. The literature of the Alliance clearly indicates that its sponsors would follow this command of Jehovah at the present time if they could only have their way.

Dr. McQuilkin further tells us that the defenders of the day have often been too super-

ficial in their contentions on behalf of this holy Sabbath; that they should soft-pedal the "thou shalt nots" and "we should thunder our 'thou shalts' into the ears of the foolish, wicked men who for the sake of pleasure or financial profit would rob their fellow men or themselves of the precious rest God had given them for the cultivation and nurture of their immortal souls." "Such men," he continues, "must be identified with murderers and suicides." The common punishment for murder is death, and suicide *is* death, therefore Dr. McQuilkin, with the rest of his associates and with his God, believes in the death penalty for working or playing on the Sabbath.

How one involuntarily loves this righteous Dr. McQuilkin of Orange, New Jersey. He must be a man whose love and understanding oozes from every pore of his body. No doubt the people of Orange who are burdened with sorrow or sin bring their sore troubles and lay them on his loving breast. I am sure that little children in their grief rush to his outstretched arms for solace and relief.

The Reverend Doctor McQuilkin makes short work of the idea that you cannot make people good by law. In fact, that seems to him to be the only way to make them good. Therefore people and enterprises that commercialize Sundays by baseball games and moving pictures, who "whine about the impossibility of making people good by law, ought to go either to school or to jail." Probably the pastor would be in favor of the jail. The Reverend Doctor is very much exercised about his idea that the

Sabbath should be spent in cultivating our "spiritual nature." From the gentle and kindly character of the doctor's utterances, one judges that he must spend several days a week cultivating his "spiritual nature."

The godly doctor is indeed earnest about the church-going. He says, "God will surely bring us to judgment in the matter of staying away from church, for church attendance is a definite obligation, a debt which we owe to God." The doctor has a naive way of mixing up himself and his private business affairs with the Lord.

Could it be possible that the Reverend Doctor McQuilkin's serious case of rabies might be due to vacant pews? Such cases are related in the following extract from a very disheartening paragraph put out by the Lord's Day Alliance in a folder entitled "Let's Save Our American Christian Sabbath."

> A significant part of this falling away from old American ideals has been the neglect of the churches —life among Christian people dropping to a lower plane on Sunday. The lure of pleasure and the drift to seven-day slavery within a few years have utterly changed the character of the day. The average attendance at Sunday morning services, taken for all the churches of New York State—counting large city churches as well as small country ones—has steadily dropped until it has now reached only *fifty-three* persons. This amounts to but little more than one-fourth of their total enrolled membership! The old days of tithes are gone. Lack of support is making the situation more and more critical and many churches have had to be abandoned. Is the church to survive? *Are we to remain a Christian nation?*

This is indeed distressing. I can well imag-

ine the feeling of chagrin that steals over the parson when he talks to fifty persons on a Sunday morning. Here are the few parishioners, solemn-visaged and sitting impatiently in their pews while a joyous crowd rolls by in automobiles on their road to hell. I cannot help thinking of the parson on a Sunday morning, telling the same story over and over again to his half hundred listeners.

I have seen this pastor and this congregation in the country church and the city church. What have they in common with the world today? Who are these faithful fifty? One-third of them, at least, are little boys and girls, twisting and turning and yawning and fussing in their stiff, uncomfortable clothes, in the hard church pews. Then there are the usual fat old women, wearing their Sunday finery. Their faces are dull and heavy and altogether unlovely. They no longer think of the world; they are looking straight into space at the Promised Land. They hold a hymn book or a Bible in their time-worn hands. Perhaps there are ten full grown men in church; two or three of these look consumptive; one or two are merchants who think that being at church will help them sell prunes; the rest are old and tottering. It has been long years since a new thought or even an old one has found lodgment in their atrophied brains. They are decrepit and palsied and done; so far as life and the world are concerned, they are already dead. One feels sympathetic toward the old. But why should the aged, who have lived their lives, grumble and complain about youth with

its glow and ambition and hope? Why should they sit in the fading light and watch the world go by and vainly reach out their bony hands to hold it back?

Aside from the Lord's Day Alliance's way of appealing to the law to make people go to church, I can think of only two plans to fill the pews. First, to abandon a large number of the churches and give the parsons a chance to find some useful and paying job. Secondly, to get more up-to-date, human and intelligent preachers into the church pulpits.

The literature issued by the Alliance shows great concern about Sunday newspapers. These papers consume a great deal of valuable time on the Sabbath Day. They are in no way the proper literature for Sunday reading. Automobile trips, too, are an abomination on the Sabbath. One pamphlet records approval of the conduct of the "venerable" John D. Paton who even refused to use street-cars on Sunday while visiting America. He kept his appointments by long walks, sometimes even having to run between engagements. This sounds to me strangely like work. Still it might have been necessary in order to get the proper amount of oxygen gas.

Playing golf on Sunday is a sacrilegious practice. A whole leaflet is prepared by Dr. Jefferson on golf. "No one ought to play golf on Sunday. . . . The golf player may need oxygen but he should not forget his caddie." The doctor calls our attention to the fact that men in the days of Moses were mindful of even the least of these. How our parsons do

love Moses and his murderous laws! We are told that a caddie works, that it is not play to trudge after a golf ball with a bag of clubs on his back. The leaflets say that the caddie does not work on Sunday for fun but for money, and it "isn't a manly thing for the golf player to hire him to work on Sunday." We are told that "there are now over one hundred thousand caddies on the golf links every Sunday. These caddies are making a living." Of course this picture is pathetic. It is too bad that the Lord's Day Alliance cannot get these hundred thousand caddies discharged. Then possibly some of them would go to church on Sunday. They might even drop a nickel in the contribution box.

Does anyone believe that if the caddies were offered the same money for going to church that they get for hunting golf balls they would choose the church? It takes a bright boy to be a caddie.

The caddies do not inspire all the tears; we are told that chauffeurs and railroad employes are necessary to take the players to and from the golf links. This is no doubt true. Still, we have even seen chauffeurs sitting in automobiles outside a church where they had driven their employers to get their souls saved. On our suburban railroads there are many trains put in service on Sunday to take people to and from church, but these have not come under the ban of the Lord's Day Alliance. Its complaint is that so few trains are needed for this blessed work.

There is some logic in this folder. We are told that "if golf is allowable on Sunday, then, so is tennis, baseball, basketball, football, bowling and all other games which our generation is fond of." "You can't forbid one without forbidding the others," says the Alliance. We heartily agree with the Reverend Doctor on this particular question.

No one needs to go to ball games or movies or play golf on Sunday unless he wants to spend his time that way. I have never seen anybody who objected to the members of the Lord's Day Alliance or any others from abstaining from all kinds of work and all sorts of play and every method of enjoyment on Sunday.

Dr. Robert E. Speer of Englewood, New Jersey, is very definite and specific as to the proper way to spend Sunday and the sort of recreation man should naturally enjoy on this holy day. Dr. Speer says, "God wants the worship of the Lord's Day and he wants us to have the indispensable comforts and pleasure of it." One would think that Dr. Speer got daily messages from God. "We need the day for meditation and prayer and plans for better living." No one questions the good doctor's right to satisfy his needs in such way as seems necessary and pleasurable for him. All that I contend for is that I, too, shall decide these questions for myself.

Dr. Speer says:

> There are some things deadly in their power to spoil it (referring to the Sabbath). One is the Sunday newspapers. . . . I pass by all that may be de-

nounced as defiling in it. . . . There is harm enough in its "wallow of secularity." . . . Look at the men who feed their minds and souls on Sunday with this food. They miss the calm and holy peace, the glowing divinity of the day.

It is just conceivable that one might read a Sunday newspaper and still have time for "the glowing divinity of the day," to glow long enough to satisfy every desire.

Dr. Speer condemns those who berate the quality of the sermons preached on Sunday and informs us that the wisest man can learn something from the poorest preacher, although he neglects to say just what. He tells us that a country preacher's sermon is superior to the country editor's writings or the country lawyer's speeches. This may be true. It is, at all events, true to Dr. Speer, and there is no reason in the world why he should not hunt up the "poorest preacher" that he can find and listen to him on every Sunday. No doubt Dr. Speer might learn something from him.

Dr. Speer disapproves of riding on railroad trains on Sunday if it can be avoided. "Certainly no one should take long railroad journeys on Sunday." He tells us, "Sunday golf, newspapers, and all that sort of thing are bad and weakening in their influence. These are particular evidence of the trend of the man who thus abandons his birthright." The doctor is more definite in his beautiful picture of just what one ought to do on the Sabbath Day. On this subject he says:

I do not believe that anyone who grew up in a truly Christian home in which the old ideas pre-

vailed can have any sympathy with this modern abuse of the old-fashioned observance of Sunday. There, on Sunday, the demands of the week were laid aside. The family gathered over the Bible and the Catechism. There was a quiet calm through the house. Innumerable things rendered it a marked day, as distinct from other days, and probably it ended with a rare walk with the father at the son's side and some sober talk over what is abiding and what is of eternal worth.

We could hazard a guess that the reason that the mother was not present on this joyful occasion was because she was at home washing the dishes from a big Sunday dinner that she had prepared.

It is entirely possible that Dr. Speer's picture of the ideal Sabbath is a good picture. Doubtless it is good to him. Still, hidden in my mind and recalled by Dr. Speer's alluring language, is the memory of his ideal Presbyterian Sunday. This was a day of unmitigated pain. No spirit or life or joy relieved the boredom and torture of the endless hours. The day meant misery to all the young. Even now I can feel the blank despair that overcame youth and hope as we children left our play on Saturday night and sadly watched the sun go down and the period of gloom steal across the world. Why should Dr. Speer and the other dead seek to force that sort of a Sabbath upon men and women who want to take in their oxygen gas in the baseball bleachers, or the golf links?

From Dr. Speer's picture of the ideal Sabbath I infer that he is a Presbyterian. This opinion has been confirmed by reference to

Who's Who. I find that for long years he has been a Presbyterian preacher, not only in America, but he has carried the blessed gospel even into China that the heathen of that benighted land might not live and die without the consoling knowledge of eternal hell.

Dr. Speer's beautiful picture of the old-time Christian Sabbath describes "the family gathered over the Bible and the Catechism." I, too, sat under the ministrations of a Presbyterian preacher and was duly instructed in the Westminster Catechism. In spite of the aversion and terror that its reference inspired, I took down the book to read once more the horrible creed of the twisted and deformed minds who produced this monstrosity which has neither sense, meaning, justice nor mercy, but only malignant depravity. A devilish creed which shocks every tender sentiment of the human mind. I am inclined to think from their internal evidence that most of the sermonettes circulated by the Lord's Day Alliance had their origin in the warped minds of the Presbyterian clergy. I would hazard a bet that the tender, gentle, loving Dr. McQuilkin is a Presbyterian. I sought to confirm this belief by consulting *Who's Who*, but found that the editors had stupidly left out his name. Still I am convinced that he is a Presbyterian.

In this ancient Westminster Catechism which few men read I quote question and answer number sixty:

Question: How is the Sabbath to be sanctified?

Answer: The Sabbath is to be sanctified by a holy resting all that day, even from such worldly

employments and recreations as are lawful on other days; and spending the whole time in public and private exercises of God's worship, except so much as is to be taken up in the works of necessity and mercy.

Small wonder that these croakers should seek to call children from joy and laughter to spend "the *whole time* in public and private exercises of God's worship." The wonder is not that these Divines should seek to place their palsied hands upon the youth but that an intelligent people, who really do not worship a God of malignancy and hate, would ever let these lovers of darkness invade a legislative body. They have no more place in the sunlight and pure air than croaking frogs and hooting owls. Here is the first question and answer in this wondrous catechism:

Question: What is the chief end of man?

Answer: Man's chief end is to glorify God and to enjoy Him forever.

What sort of a God is this in which these parsons believe? A God who can find no other work for man and no other use for the emotions that nature placed in him, except to spend his life in glorifying His maker? Imagine taking a child from play and the life and activity that nature has made necessary for its being, and seeking to make him understand something that no preacher can possibly comprehend.

Again, as to the simple nature of the God-head, the catechism says: "There are three persons in the God-head; the Father, the Son and the Holy Ghost; and these three are one

God, the same in substance, equal in power and glory." Imagine a family spending the whole Sabbath unravelling a mystery like this. It is evident that any child whose mind has been permanently twisted by this wondrous logic would later be found visiting legislative bodies and imploring them to pass laws to blot the sun from the sky on the Sabbath Day.

Here is Number 7:

Question: What are the decrees of God?

Answer: The decrees of God are His eternal purpose according to the counsel of His will, whereby, for His own glory, He has fore-ordained whatsoever comes to pass.

After the child had been made to thoroughly understand how to harmonize freedom and responsibility of man with the statement that God had foreordained whatever comes to pass, he might then on pain of hell tackle number 8:

Question: What is the work of creation?

Answer: The work of the creation is God's making all things of nothing, by word of His power, in the space of six days, and all very good.

Any child could understand how God, as the catechism says, is a "spirit" and could make all things out of nothing, Himself included. God's justice to man is lucidly explained in the Westminster Catechism which tells the Sabbath Day student that "the sin whereby our first parents fell from the estate wherein they were created, was their eating the forbidden fruit."

Question 16 and answer make this a living issue:

Question: Did all mankind fall in Adam's first transgression?

Answer: The covenant being made with Adam, not only for himself, but for his posterity, all mankind descending from him by ordinary generation, sinned in him, and fell with him, in his first transgression.

The answer to the seventeenth question says: "The fall brought mankind into an estate of sin and misery."

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There are thousands of generations between the first man, if there ever was one, and the boy who likes activity and play on the Sabbath Day. Unless the boy is perverse and wicked he should understand the justice of being condemned to an estate of sin and misery because Adam made a covenant, not only for himself, but for all his posterity. It is not worth while to quote further from the Westminster Catechism. This brutal creed runs on for 107 questions and answers. And this is the *shorter* catechism!

It is amazing to think that any human being with ordinary intelligence would accept such doctrine now. It is still more amazing that in spite of the brazen effrontery of the Lord's Day Alliance, legislative bodies should help to enforce such teaching upon the young. But even this is not sufficiently terrible for a Sabbath Day diversion. In answer to Question 19 we are told, "All mankind by their fall lost communion with God, are under His wrath and curse, and so made liable to all the miseries in this life, to death itself, and to the pains of hell forever." Of course, no one would believe

this today except on fear of eternal torture. Does the fear never enter the minds of these parsons that God might punish them eternally for believing that He is such a monster?

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When one thinks of this organization with its senseless leaflets, its stern endeavors. its blank despair, its half-shut eyes blinking at life, one is reminded of the frogs in the green scum-covered pond in the woods who sit on their haunches in the dark and croak all day. No doubt these frogs believe that the germ infested pond is a sacred pool. They are oblivious of the rolling, living ocean that lies just beyond.

Dr. Speer, like the other members of the Lord's Day Alliance, is very sure that one of the chief occupations of Sunday should be attending church. But what church, pray? We are informed that any preacher is better to listen to and read from than any editor. lawyer or other person. Most of us have heard all sorts of preachers. We have listened to some whose churches could only be filled if the Lord's Day Alliance should succeed and make it an offense punishable by death not to go to church. We have heard preachers who had something to say and could say it well. There is as much difference in the views and ability of preachers as in other men. Would Dr. Speer think that we should go to hear the Fundamentalists or the Unitarians? Should we listen to the Holy Rollers or the Modernists?

There are few men outside of the Lord's Day Alliance who would care to listen to their

favorite preacher for a *full day* and there are few preachers who would undertake to talk for a whole day. What, then, must one do for the rest of the time? One simply cannot sleep *all* day on Sunday.

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In all this literature we are constantly urged to preserve our "American Sabbath." Is there any special holiness that lurks around an "American Sabbath"? Are not European Christians as competent to determine the right way to employ their time on Sundays as American Christians? The Lord's Day folk say that reading the Sunday newspapers, playing golf, riding in automobiles, and witnessing baseball games and movies is "un-American." This compound word has been used to cover a multitude of sins. What it means nobody knows. It is bunkum meant to serve every cause, good and bad alike. By what license does the Lord's Day Alliance call its caricature of Sunday an "American Sabbath?" On what grounds does it urge it as against the European Sabbath? Is this nightmare which the Lord's Day Alliance is so anxious to force upon the United States a product of America? Everyone knows that Sunday, with the rest of the Christian religion, came to us from Europe. The weird ideas of the Lord's Day Alliance are European. When and how it came to us is worth finding out.

Jesus and His disciples did not believe in the Jewish Sabbath. They neither abstained from work nor play. St. Paul, specially, condemned the setting apart of days and said to his dis-

ciples, "Ye observe days and months and times and years. I am afraid of ye lest I have bestowed upon ye labor in vain."

The early fathers did not approve of any such day as the Lord's Day Alliance insists shall be fastened upon America. St. Jerome and his group attended church services on Sunday, but otherwise pursued their usual occupations. St. Augustine calls Sunday a festal day and says that the Fourth Commandment is in no literal sense binding upon Christianity. Even Luther and Calvin enjoined no such a day upon the Christians as these moderns wish to fasten upon America that the churches may be filled. The righteous John Knox "played bowls" on Sunday, and in his voluminous preaching used no effort to make Sunday a day of gloom wherein people should abstain from work and play. It was not until 1595 that an English preacher of Suffolk first insisted that the Jewish Sabbath should be maintained. The controversy over this question lasted for a hundred years and resulted in a law proscribing every kind of Sunday recreation, even "vainly and profanely walking for pleasure." England soon reacted against this blue Sabbath and permitted trading, open theatres and frivolity in the afternoon and evening. Under the leadership of the Church of England the Sabbath no longer was a day of gloom and despair.

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The real American Sabbath was born in Scotland after the death of John Knox. It fits the stern hills, the bleak moors and the unfriendly climate of this northern land. It was

born of fear and gloom and it lives by fear and gloom. Early in the Seventeenth Century, Scotland adopted this stern theory of the Jewish Sabbath and applied it ruthlessly. The Westminster Confession was adopted by the General Assembly of the Kirk of Scotland in 1647 and has remained the formal standard of faith to the present day. Ordinary recreations were disallowed. Books and music were forbidden except such as were recognized as religious in a narrow sense. No recreation but whiskey-drinking remained. This Presbyterian Sabbath of Scotland was brought to New England by the early settlers of America and is, in fact, a Scotch Sabbath—not an American Sabbath.

Even in spite of the natural gloom and cold of Scotland, Sunday strictness has been greatly modified there in the last fifty years. It is not the present Scotch Sabbath that these modern Puritans insist on forcing upon America. It is the old, ferocious, Scotch Sabbath of the Westminster Confession. It was brought from a land of gloom into a land of sunshine, and the Lord's Day Alliance prefers the gloom and hardness of this outworn, out-lived Scotch Sabbath to the sunshine and joy that comes with a fertile soil, a mild climate and natural human emotions.

It is almost unbelievable that a handful of men without reason or humanity, should be able to force their cruel dogmas upon the people. Not one in twenty of the residents of the United States believes in the Sabbath of the Lord's Day Alliance. Our cities, villages,

and even country districts, protest against the bigotry and intolerance of the Lord's Day Alliance and their kind. Still in spite of this, by appeal to the obsolete statutes, religious prejudice, crass ignorance and unfathomable fanaticism, they carry on their mighty campaign of gloom.

After long years of effort, with the lazy, cowardly public that does not want to be disturbed, the Legislature of New York, in the face of the opposition of the Lord's Day Alliance, managed to pass a law providing that incorporated cities and towns should have the right to legalize baseball games and moving picture shows on Sunday after two o'clock in the afternoon and charge an admission fee for seeing the entertainment. Why after two o'clock? The answer is perfectly plain: It is possible that someone might be forced into church in the morning if there was nowhere else to go. Were the hours after two o'clock any less sacred in the laws of Moses and the prophets than the hours before two o'clock? Or was Legislature induced to pass this law simply to give the minister a privilege that it grants to no one else?

Ours is a cosmopolitan country, made up of all sorts of people with various creeds. There should be room enough to allow each person to spend Sunday and every other day according to his own pleasure and his own profit. In spite of the Lord's Day Alliance and all other alliances, it is too late in the history of the world to bring back the Mosaic Sabbath. Regardless of their best endeavors it will prob-

ably never again be a crime punishable by death to work or play on what they are pleased to call the Lord's Day. Those ministers who have something to say that appeals to men and women will be able to make themselves heard without a law compelling people to go to church. If the Lord's Day Alliance can provide something equally attractive to compete with the Sunday newspapers, golf, baseball games, movies and the open air, they will get the trade. If they cannot provide such entertainment, then in spite of all their endeavors the churches will be vacant. It is time that those who believe in intolerance, and in freedom, should make themselves heard in no uncertain way. It is time that men should determine to defend their right to attend to their own affairs and live their own lives, regardless of the bigots who in all ages have menaced the welfare of the world and the liberty of man.

E. HALDEMAN-JULIUS
Editor
LITTLE BLUE BOOKS

Its white fleets plow the morning sea,
  Its flag the Morning Star has kissed.
But still the martyred ones of yore —
  By tyrants hanged, or burned, or bled —
With hair and fingers dripping gore,
  Gaze backward from the ages dead,

And ask: "How long, O Lord! how long
  Shall creeds conceal God's human side,
And Christ the God be crowned in song
  While Christ the Man is crucified?
How long shall Mammon's tongue of fraud
  At Freedom's Prophets wag in sport,
While chartered murder stalks abroad,
  Approved by Senate, Church, and Court?"

The strife shall not forever last
  'Twixt cunning Wrong and passive Truth —
The blighting demon of the Past,
  Chained to the beauteous form of Youth;
The Truth shall rise, its bonds shall break,
  Its day with cloudless glory burn,
The Right with Might from slumber wake,
  And the dead Past to dust return.

The long night wanes; the stars wax dim;
  The Young Day looks through bars of blood;
The air throbs with the breath of Him
  Whose Pulse was in the Red-Sea flood;
And flanked by mountains, right and left,
  The People stand — a doubting horde —
Before them heave the tides uncleft,
  Behind them flashes Pharaoh's sword.

But lo! the living God controls,
  And marks the bounds of slavery's night,
And speaks through all the dauntless souls
  That live, or perish, for the right.
His Face shall light the People still,
  His Hand shall cut the Sea in twain,
And sky and wave and mountain thrill
  To Miriam's triumphant strain.

Arena 1893 - Dec

REALISM IN LITERATURE AND ART.

BY CLARENCE S. DARROW.

MAN is nature's last and most perfect work; but however high his development or great his achievements, he is yet a child of the earth and the forces that have formed all the life that exists thereon. He cannot separate himself from the environment in which he grew, and a thousand ties of nature bind him back to the long-forgotten past, and prove his kinship to all the lower forms of life that have sprung from that great common mother, earth.

As there is a universal law of being which controls all forms of life, from the aimless movement of the mollusk in the sea to the most perfect conduct of the best developed man, so all the varied activities of human life, from the movements of the savage digging roots to the work of the greatest artist with his brush, are controlled by universal laws, and are good or bad, perfect or imperfect, as they conform to the highest condition nature has imposed.

The early savage dwelt in caves and cliffs, and spent his life in seeking food and providing some rude shelter from the cold. He looked at the earth, the sun, the sea, the sky, the mountain peak, the forest, and the plain, at the vegetable and animal life around, and all he saw and heard formed an impression on his brain, and aided in his growth.

Like a child he marvelled at the storm and flood; he stood in awe as he looked upon disease and death; and to explain the things he could not understand, he peopled earth and air and sea with gods and demons and a thousand weird creations of his brain.

All these mysterious creatures were made in the image of the natural objects that came within his view. The gods were men grown large, and endowed with marvellous powers, while tree and bird and beast were used alike as models for a being greater far than any nature ever formed.

It was an angry god that made the rivers overrun their

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banks and leave destruction in their path. An offended god it was who hurled his thunderbolts upon a wicked world or sent disease and famine to the sinning children of the earth; and to coax these rulers to be merciful to man, the weak and trembling people of the ancient world turned their thoughts to sacrifice and prayer.

The first clouded thoughts of these rude men were transcribed on monument and stone, or carved in wood, or painted with the colors borrowed from the sun and earth and sky; in short, the first rude art was born to sing the praise, and tell the fame, and paint the greatness of the gods. But all of this was natural for the time and place; and the graven images, the chiselled hieroglyphics, and all this rude beginning of literature and art were formed upon what men saw and heard and felt, enlarged and magnified to fit the stature of the gods.

As the world grew older, art was used to celebrate the greatness and achievements of kings and rulers as well as gods, and their tombs were ornamented with such decorations as these early ages could create; but yet all literature and art was only for the gods and the rulers of the world. Then, even more than now, wealth and power brought intellect to do their will, and all its force was spent to sing the praises of the rulers of the earth and air.

The basis of all this art of pen and brush was the reality of the world; but this was so magnified and distorted for the base use of kings and priests, that realism in the true sense could not exist.

It would not do to paint a picture of a king resembling a man of flesh and blood, and of course a god must be far greater than a king. It would not do to write a tale in which kings and princes, lords and ladies, should act like men and women — else what difference between the ruler and the ruled? The marvellous powers which romance and myth had given to gods and angels were transferred to those of royal blood. The wonderful achievements of these knights and princes could be equalled only by the gods; and the poor dependents of the world, who lived for the glory of the great, were fed with legends and with tales that sang the praises of the great.

Literature, sculpture and painting, music and architecture, indeed, all forms of art, were the exclusive property of the

great and strong; and the artist, then, like most of those to-day, was retained to serve the great and maintain the status of the weak.

No one dreamed that there was any beauty in a common human life or any romance in a fact. The greatest of the earth had not yet learned to know that every life is a mystery and every death a tragedy; that the spark of the infinite, which alone transforms clay to life, animates alike the breast of the peasant and the soul of the prince. The world had not learned that the ant hill was as great as Mont Blanc and the blade of grass as mysterious as the oak. It is only now that the world is growing so delicate and refined that it can see the beauty of a fact; that it is developing a taste so rare as to distinguish between the false and true; that it can be moved by the gentle breeze as well as by the winter's gale; that it can see a greater beauty in a statement true to life than in the inflated tales which children read.

Most of the literature and art the world has known has been untrue. The pictures of the past have been painted from the distorted minds of visionists and the pliant brains of tools. They have represented impossible gods and unthinkable saints, angels and cherubs and demons — everything but men and women. Saints may be all right in their place, but a saint with a halo around his head was born of myth and not of art. Angels may be well enough, but all rational men prefer an angel with arms to an angel with wings. When these artists were not busy painting saints and Madonnas, they were spending their time painting kings and royal knaves, and the pictures of the rulers were as unlike the men and women whom they were said to represent as the servile spirit of the painter was unlike the true artist of to-day. Of course an artist would not paint the poor. They had no clothes that would adorn a work of art, and no money nor favors that could pay him for his toil. An ancient artist could no more afford to serve the poor than a modern lawyer to defend the weak.

After literature had so far advanced as to concern other beings than gods and kings, the authors of these ancient days endowed their characters with marvellous powers: knights with giant strength and magic swords; princes with wondrous palaces and heaps of gold; travellers who met marvellous beasts and slew them in extraordinary ways;

giants with forms like mountains and strength like oxen, and who could vanquish all but little dwarfs. Railroads were not invented in those early days, but travel was facilitated by the use of seven-league boots. Balloons and telescopes were not yet known, but this did not keep favored heroes from peering at the stars or looking down from on high upon the earth. They had but to plant a magic bean before they went to bed at night, and in the morning it had grown so tall that it reached up to the sky; and the hero, although not skilled in climbing, needed simply to grasp the stalk and say, "Hitchety, hatchety, up I go. Hitchety, hatchety, up I go," and by this means soon vanished in the clouds.

Tales of this sort used once to delight the world, and the readers half believed them true. We give them to children now, and even the least of these view them with a half contempt.

The modern man who still reads Walter Scott does not enjoy these ancient myths. He relishes a lie, but it must not be too big; it must be so small that, although he knows in his inmost soul that it is not true, he can yet half make himself believe it is not false. Most of us have cherished a pleasant waking dream, and fondly clung to the sweet delusion while we really knew it was not life. The modern literary stomach is becoming so healthy that it wants a story at least half true; should the falsehood be too strong, it acts as an emetic instead of food.

These old fairy tales have lost their power to charm, as the tales of the gods and kings went down before. They have lost their charm; for as we read them now, they awake no answering chord born of the experiences that make up what we know of human life.

When the beauty of realism shall be truly known, we shall read the book, or look upon the work of art, and, in the light of all we know of life, shall ask our beings whether the image that the author or the painter creates for us is like the one that is born of the consciousness which moves our souls, and the experiences that life has made us know.

Realism worships at the shrine of nature. It does not say that there may not be a sphere in which beings higher than man can live, or that some time an eye may not rest upon a fairer sunset than was ever born behind the clouds and sea;

but it knows that through countless ages nature has slowly fitted the brain and eye of man to the earth on which we live and the objects that we see, and the perfect earthly eye must harmonize with the perfect earthly scene. To say that realism is coarse and vulgar, is to declare against nature and her works, and to assert that the man she made may dream of things higher and grander than nature could unfold.

The eye of the great sculptor reveals to him the lines that make the most perfect human form, and he chisels out the marble block until it resembles this image so perfectly that it almost seems to live. Nature, through ages of experiment and development, has made this almost faultless form. It is perfect because every part is best fitted for the separate work it has to do. The artist knows that he could not improve a single organ if he would, for all the rest of nature must be adjusted to the change. He has the skill to reproduce this perfect shape in lasting stone, and the human brain could not conceive a form more beautiful and fair. Here is a perfect image of the highest work that countless centuries of nature's toil has made; and yet some would seek to beautify and sanctify this work by dressing it in the garb that shifting fashion and changing fancy make for men.

It was only the vulgar superstition of the past that ever suggested that the reproduction of human forms in stone was an unholy work. Through long, dark centuries religion taught that the human form was vile and bad, and that the soul of man was imprisoned in a charnel house, unfit for human sight. They wounded, bruised, and maimed their house of clay; they covered it with skins that under no circumstances could be removed, and many ancient saints lived and died without ever having looked upon the bodies nature gave to them. The images of saints and martyrs, which in the name of religion were scattered through Europe, were covered with paint and clothes, and were nearly as hideous as the monks who placed them there.

When the condition of Europe and its religious thought is clearly understood, it is not difficult to imagine the reception that greeted the first dawn of modern realistic art. Sculpture and painting deified the material. It told of beauty in the human form which thousands of years of religious fanaticism had taught was bad and vile.

If the flesh was beautiful, what of the monks and priests

who had hidden it from sight; who had kept it covered night and day through all their foolish lives; who maimed and bruised, cut and lacerated it for the glory of the spirit which they believed was chained within? The church had taught that the death of the flesh was the birth of the soul, and they therefore believed that the artist's resurrection of the flesh was the death of the soul.

This old religious prejudice, born of a misty, superstitious past, has slowly faded from the minds of men, but we find its traces even yet; the origin of the feeling against realistic art has well-nigh been forgot, but much of the feeling still remains. No one now would pretend to say that all the body was unholy or unfit for sight, and yet years of custom and inherited belief have made us think that a part is good and the rest is bad; that nature, in her work of building up the human form, has made one part sacred and another vile. It is easy to mistake custom for nature, and inherited prejudice for morality.

There is not a single portion of the human body which some people have not believed holy, and not a single portion which some have not believed vile. It was not shame that made clothing, but clothing that made shame. If we should eradicate from our beliefs all that inheritance and environment have given, it would be hard for us to guess how much would still remain. Custom has made almost all things good and nearly all things bad, according to the whim of time and place. To find solid ground we must turn to nature, and ask her what it is that conduces to the highest happiness and the longest life. The realistic artist cannot accept the popular belief, whatever that may be, as to just where the dead line on the human body should be drawn that separates the sacred and profane.

There are realists who look at all the beauty and loveliness of the world, and all its maladjustments, too, and who do not seek to answer the old, old question, whether back of this is any all-controlling and designing power. They do not answer, for they cannot know; but they strive to touch the subtle chord which makes their individual lives vibrate in harmony with the great heart of that nature which they love, and they cannot think but what all parts of life are good, and that, while men may differ, nature must know best.

Other realists there are who believe they see in nature the

work of a divine Maker, who created man in His own image as the last and highest triumph of His skill; that not the minutest portion of the universe exists except because He wished it thus. To the realist who accepts this all-controlling power, any imputation against a portion of his Master's work must reach back to the author who designed it all.

We need not say that the human body might not be better than it is. We only need to know that it is the best that man can have, and that its wondrous mechanism has been constructed with infinitely more than human skill; that every portion is adapted for its work, and through the harmony of every part the highest good is reached, and that all is beautiful, for it makes the perfect being best adapted to the earth. Those who denounce realistic art deny that knowledge is power, and that wisdom only can make harmony; but they insist, instead, that there are some things vital to life and happiness that we should not know, or that, if we must know these things, we at all events should pretend that we did not.

One day the world will learn to know that all things are good or bad according to the service they perform. A great brain which is used by its owner for his selfish ends, regardless of all the purposes that are sacrificed to attain the goal, is as base and bad as the mind can well conceive; while a great brain dedicated to the right and just, and freely given to the service of the world, is high and grand. One day it ought to learn that the power to create immortality, through infinite succeeding links of human life, is the finest and most terrible that nature ever gave to man; and to ignore this power or call it bad, to fail to realize the great responsibility of this tremendous fact, is to cry out against the power that gave us life, and commit the greatest human sin, for it may be one that never dies.

The true artist does not find all beauty in the human face or form. These are a part of a mighty whole. He looks upon the sunset, painting all the clouds with rosy hue, and his highest wish is to create another scene like this. He never dreams that he could paint a sunset fairer than the one that lights the fading world. A fairer sunset would be something else. He sees beauty in the quiet lake, the grassy field, and running brooks. He sees majesty in the cataract and mountain peak. He knows that he can paint no streams

and mountain peaks more perfect than the ones that nature made.

The growth of letters has been like that of art, from the marvellous and mythical to the natural and true. The tales and legends of the ancient past were not of common men and common scenes. These could not impress the undeveloped intellects of long ago. A man of letters could not deify a serf or tell the simple story of the poor. He must write to maintain the status of the world, and please the prince who gave him food. So he told of kings and queens, of knights and ladies, of strife and conquest, and the coloring he used was human blood.

The world has grown accustomed to those ancient tales — to scenes of blood and war, and novels that would thrill the soul and cause the hair to stand on end. It has read them so long that the true seems commonplace and not fit to fill the pages of a book. But all the time we forget the fact that the story could not charm unless we half believed it true. The men and women in the tale we learn to love and hate; we take an interest in their lives; we hope they may succeed or fail; we must not be told at every page that the people of the book are men of straw, that no such beings ever lived upon the earth. We could take no interest in men and women who were myths conjured up to play their parts, reminding us in every word they spoke that, regardless of the happiness or anguish the author made them feel, they were but puppets, and could know neither joy nor pain. It may be that the realistic story is commonplace, but so is life, and the realistic tale is true. Among the countless millions of the earth it is only here and there, and now and then, that some soul is born from out the mighty depths that does not soon return to the great sea, and leave no ripple on the waves.

In the play of life each actor seems important to himself; the world he knows revolves around him as the central figure of the scene; his friends rejoice in all the fortune he attains, and weep with him in all his griefs. To him the world is bounded by the faces that he knows and the scenes in which he lives; he forgets the great surging world outside, and cannot think how small a space he fills in that infinity which bounds his life. He dies; a few sorrowing friends mourn him for a day, and the world does not

know he ever lived or ever died. In the ordinary life almost all events are commonplace, but a few important days are thinly sprinkled in among all of those that intervene between the cradle and the grave. We eat and drink, we work and sleep, and here and there a great joy or sorrow creeps in upon our lives, and leaves a day that stands out in the monotony of all the rest, like the pyramids upon the level plains. But these are very, very few, and are important only to ourselves; and for the rest, we walk with steady pace along the short and narrow path of life, and rely upon the common things alone to occupy our minds and hide from view the marble stone that here and there we cannot fail to see, as it gleams upon us through the overhanging trees just where the road leaves off.

The highest mountain range, when compared with all the earth, is no larger than a hair upon an ordinary globe; and the greatest life bears about the same resemblance to the humanity of which it is a part.

The old novel, which we used to read and to which the world so fondly clings, had no idea of relation or perspective. It had a hero and a heroine, and sometimes more than one. The revolutions of the planets were less important than their love. War, shipwreck, and conflagration all conspired to produce the climax of the scene, and the whole world stood still until their hearts and hands were joined. Wide oceans, burning deserts, Arctic seas, impassable jungles, irate fathers, and even designing mothers were helpless against the decree that fate had made; and when all the barriers were passed, and love had triumphed over impossibilities, the tale was done. Through the rest of life nothing of interest could transpire. Sometimes in the progress of the story, if the complications were too great, a thunderbolt or an earthquake was introduced to destroy the villain and help out the match. Earthquakes sometimes happen, and the realistic novelists might write a tale of a scene like this; but then the love affair would be an incident of the earthquake, and not the earthquake an incident of the love affair.

In real life the affections have played an important part, and sometimes great things have been done in the name of love; but most of the affairs of the human heart have been as natural as the other events of life.

The true love story is generally a simple thing. On a

sloping hill, beside a country road, lives a farmer, in the house his father owned before. He has a daughter, who skims the milk, and makes the beds, and goes to singing school at night. There are other members of the household, but our tale is no concern of theirs. In the meadow, back of the house, a woodchuck has dug his hole, and reared a family in its humble home. Across the valley, only a mile away, another farmer lives. He has a son who ploughs the fields, and does the chores, and goes to singing school at night. He cannot sing, but he attends the school as regularly as if he could. Of course he does not let the girl go home alone! and in the spring, when singing school is out, he visits her on Sunday evening without excuse. If the girl had not lived so near, the farmer's son would have fancied another girl about the same age who also went to singing school. Back of the second farmer's house is another woodchuck hole and woodchuck home. After a year or two of courtship, the boy and girl are married, as their parents were before, and they choose a pretty spot beside the road, and build another house between the two, and settle down to common life — and so the world moves on. And a woodchuck on one farm makes the acquaintance of a woodchuck on the other, and they choose a quiet place beside a stump, in no one's way, where they think they have a right to be, and dig another hole and make another home. For after all, men and animals are much alike, and nature loves them both and loves them all, and sends them forth to drive the loneliness from off the earth, and then takes them back into her loving breast to sleep.

It may be that there are few great incidents in the realistic tale; but each event appeals to life, and cannot fail to wake our memories and make us live the past again. The great authors of the natural school, Tolstoi, Daudet, Howells, Ibsen, Keilland, Flaubert, Zola, Hardy, and the rest, have made us think and live. Their words have burnished up our thoughts and revealed a thousand pictures that hung upon the walls of memory, covered with the dust of years and hidden from our sight. Sometimes, of course, we cry with pain at the picture that is thrown before our view; but life consists of emotions, and we cannot truly live unless the depths are stirred.

These great masters, it is true, may sometimes shock the

over-sensitive with the stories they tell of life; but if the tale is true, why hide it from our sight? Nothing is more common than the protest against the wicked books of the realistic school, filled with delineations of passion and of sin; but he who denies passion ignores all the life that exists upon the earth, and cries out against the mother that gave him birth; and he who ignores this truth passes with contempt the greatest fact that nature has impressed upon the world.

Those who condemn as sensual the tales of Tolstoi and Daudet still defend the love stories of which our literature is full — those weak and silly tales that make women fit only to be the playthings of the world, and deny to them a single thought or right except to serve their master, man. These objectors do not contend that stories dealing with the feelings and affections shall not be told — they approve these, but they simply insist that they shall be false, instead of true.

The old novel filled the mind of the school girl with a thousand thoughts that had no place in life — with ten thousand pictures she could never see. It taught that some time she would meet a prince in disguise, to whom she should freely give her hand and heart. So she went out upon the road to find this prince; and the more disguised he was, the more certain did she feel that he was the prince for whom she sought.

The realist paints the passions and affections as they are. Both man and woman can see their beauty and their terror, their true position and the relation that they bear to all of life. He would not beguile the girl into the belief that her identity should be destroyed and merged for the sake of this feeling, which not once in ten thousand times could realize the promises that the novel made, but would leave her as an individual to make the most she could and all she could of life, with all the chance for hope and conquest which men have taken for themselves. Neither would the realist cry out blindly against these deep passions that have moved men and women in the past, and which must continue fierce and strong so long as life exists. He is taught by the scientist that the fiercest heat may be transformed to light, and is shown by life that from the strongest passions are sometimes born the sweetest and the purest human souls.

In these days of creeds and theories, of preachers in the

pulpit and out, we are told that all novels should have a moral and be written to serve some end. So we have novels on religion, war, marriage, divorce, socialism, theosophy, woman's rights, and other topics without end. It is not enough that the preachers and lecturers shall tell us how to think and act; the novelist must try his hand at preaching, too. He starts out with a theory, and every scene and incident must be bent to make it plain that the author believes certain things. The doings of the men and women in the book are secondary to the views the author holds. The theories may be very true, but the poor characters who must adjust their lives to these ideal states are sadly warped and twisted out of shape.

The realist would teach a lesson, too, but he would not violate a single fact for all the theories in the world, for a theory could not be true if it did violence to life. He paints his picture so true and perfect that all men who look upon it know that it is a likeness of the world that they have seen; they know that these are men and women and little children whom they meet upon the streets, and they see the conditions of their lives, and the moral of the picture sinks deeply into their minds.

There are so-called scientists who make a theory, and then gather facts to prove their theory true; the real scientist patiently and carefully gathers facts, and then forms a theory to explain and harmonize these facts.

All life bears a moral, and the true artist must teach a lesson with his every fact. Some contend that the moral teacher must not tell the truth; the realist holds that there can be no moral teaching like the truth.

The world has grown tired of preachers and sermons; to-day it asks for facts. It has grown tired of fairies and angels, and asks for flesh and blood. It looks on life as it exists to-day — both its beauty and its horror, its joy and its sorrow. It wishes to see all; not only the prince and the millionnaire, but the laborer and the beggar, the master and the slave. We see the beautiful and the ugly, and know what the world is and what it ought to be, and the true picture which the author saw and painted stirs the heart to holier feelings and to grander thoughts.

It is from the realities of life that the highest idealities are born. The philosopher may reason with unerring logic

and show us where the world is wrong; the economist may tell us of the progress and poverty that go hand in hand. But these are theories, and the abstract cannot suffer pain.

Dickens went out into the streets of the great city, and found poor little Jo sweeping the crossing with his broom. All around were the luxury and elegance which the rich have appropriated to themselves, — great mansions, fine carriages, beautiful dresses, — but in all the great city of houses and homes poor little Jo could find no place to lay his head. His home was in the street; and every time he halted for a moment in the throng, the policeman touched him with his club and bade him to "move on." At last, ragged, wretched, nearly dead with "moving on," he sank down upon the cold stone steps of a magnificent building erected for "The Propagation of the Gospel in Foreign Parts." As we think of wretched, ragged Jo in the midst of all this luxury and wealth, we see the tens of thousands of other waifs in the great cities of the world, and we condemn the so-called civilization of the earth that builds the mansions of the rich and great upon the rags and miseries of the poor.

The true realist cannot worship at the shrine of power nor prostitute his gifts for gold. With an artist's eye he sees the world exactly as it is, and he tells the story faithfully to life. He feels for every heart that beats, else he could not paint them as he does. It takes the soul to warm a statue into life and make living flesh and coursing blood, and each true picture that he paints or draws makes the world a better place in which to live.

Read Daudet and Flaubert and Maupassant, and you can see living images that think and move and feel. It needs no analysis of character to tell us what they think. You see them move, and you know the motives that inspired the act. You can hear the murmuring of the waterfall, no louder than it ought to be; and as you look upon the foliage of the trees, you fancy that the leaves are almost stirred by a gentle southern breeze.

You can see and feel the social life, and the gulf that separates the rich and poor. If you would know the differences that divide French country life, look but a moment at the party which Flaubert paints, and you can see the gay faces and rich costumes of the dancers in the hall, and the

stolid countenances and uncouth garbs of the peasants who look through the windows, from their world outside, at this fairy scene within.

The artists of the realistic school have a sense so fine that they cannot help catching the inspiration that is filling all the world's best minds with the hope of greater justice and more equal social life. With the vision of the seer they feel the coming dawn, when true equality shall reign upon the earth — the time when democracy shall no more be confined to constitutions and to laws, but will be a part of human life.

The greatest artists of the world to-day are telling facts and painting scenes that cause humanity to stop and think, and ask why one shall be a master and another a serf — why a portion of the world should toil and spin, should wear away their strength and lives, that the rest may live in idleness and ease.

The old-time artists thought they served humanity by painting saints and Madonnas and angels from the myths they conjured in their brains. They painted war with long lines of soldiers dressed in new uniforms, and looking plump and gay, and a battle scene was always drawn from the side of the victorious camp, with the ensign proudly planting his bright colors on the rampart of the foe. One or two were dying, but always in their comrades' arms and listening to shouts of victory that filled the air, and thinking of the righteous cause for which they fought and died. In the last moments they dreamed of pleasant burial-yards at home, and of a grave kept green by loving, grateful friends, and a smile of joy lit up their fading faces, so sweet that it seemed a hardship not to die in war. They painted peace as a white-winged dove settling down upon a cold and "farewell" earth. Between the two it was plain which choice a boy would make, and thus art served the state and king.

But Verestchagin painted war so true to life that as we look upon the scene we long for peace. He painted war as war has ever been and will ever be — a horrible and ghastly scene, where men, drunk with blind frenzy, — which rulers say is patriotic pride, — and made mad by drums and fifes and smoke and shot and shell and flowing blood, seek to maim and wound and kill, because a ruler gives the word. He paints a battle-field a field of life and death, a field of

carnage and of blood. And who are these who fight like fiends and devils driven to despair? And what cause is this that makes these men forget that they are men, and vie with beasts to show their cruel thirst for blood? They shout of home and native land; but they have no homes, and the owners of their native land exist upon their toil and blood. The nobles and princes, for whom this fight is waged, are sitting far away upon a hill, beyond the reach of shot and shell; and from this spot they watch their slaves pour out their blood to satisfy their rulers' pride and lust of power. And what is the enemy they fight? Men, like themselves, who blindly go to death at another king's command; slaves who have no land, who freely give their toil or blood — whichever one their rulers may demand. These fighting soldiers have no cause for strife, but their rulers live by kindling in their hearts a love of native land — a love which makes them hate their brother laborers of other lands, and dumbly march to death, to satisfy a king's caprice.

But let us look once more, after the battle has been fought. Here we see the wreck and ruin of the strife. The field is silent now, given to the dead, the beast of prey, and night. A young soldier lies upon the ground. The snow is falling fast around his form. The lonely mountain peaks rise up on every side. The wreck of war is all about. His uniform is soiled and stained. A spot of red is seen upon his breast. It is not the color that his country wove upon his coat to catch his eye and bait him to his death ; it is hard and jagged and cold; it is his life's blood that leaked out through a hole that followed the point of a sabre to his heart. His form is stiff and cold, for he is dead. The cruel wound and the icy air have done their work. The government which took his life taught this poor boy to love his native land. As a child he dreamed of scenes of glory and of power, and the great, wide world just waiting to fall captive to his magic strength. He dreamed of war and strife, and of victory and fame. If he should die, kind hands would smooth his brow, and loving friends would keep his grave and memory green, because he died in war. But no human eye was there at last, as the mist of night and the mist of death shut out the lonely mountains from his sight. The snow is all around, and the air above is gray with falling flakes. These would soon hide him from the

world; and when the summer time should come again, no one could tell his bleaching bones from all the rest. The only life upon the scene is the buzzard, slowly circling in the air above his head, waiting to make sure that death has come. The bird looks down upon the boy, upon the eyes which first looked out upon the great, wide world, and which his mother fondly kissed. Upon these eyes the buzzard will begin his meal.

Not all the world is beautiful, and not all of life is good. The true artist has no right to choose only the lovely spots, and make us think that this is life. He must bring the world before our eyes, and make us read and think. As he loves the true and noble, he must show the false and bad. As he yearns for true equality, he must paint the master and the slave. He must tell the truth; must tell it all; must tell it o'er and o'er again, till the deafest ear will listen and the dullest mind will think. He must not swerve to please the world by painting only pleasant sights and telling only lovely tales. He must paint and write and work and think until the world shall learn so much, and grow so good, that the true will be all beautiful, and all the real be ideal.

TO ROBERT G. INGERSOLL.

BY EDGAR FAWCETT.

THOU hast peered at all creeds of the past, and each one hath seemed futile and poor
As a firefly that fades on a marsh, as a wind that makes moan on a moor;
For thy soul in its large love to man, in its heed of his welfare and cheer,
Bids him hurl to the dust whence they sprang all idolatries fashioned by fear.

Not the eagle can gaze at the sun with more dauntless and challenging eyes
Than thou at the radiance of truth when it rifts the dark durance of lies.
From thy birth wert thou tyranny's foe, and its deeds were disdain in thy sight;
Thou art leagued with the dawn as the lark is — like him dost thou leap to the light!

Having marked how the world's giant woes for the worst part are bigotry's brood,
Thou hast hated, yet never with malice, and scorned but in service of good.
Thy compassionate vision saw keen how similitude always hath dwelt
Between fumes poured from altars to God and from flames haggard martyrs have felt.

What more splendid a pity than thine for the anguish thy race hath endured
Through allegiance to spectres and wraiths from the cohorts of fancy conjured?
At the bold pomps of temple and church is it wonder thy wisdom hath mourned,
Since the architect, Ignorance, reared them, and Fright, the pale sculptor, adorned?

LITTLE BLUE BOOK NO. 883
Edited by E. Haldeman-Julius

Debate on Capital Punishment

Clarence Darrow
NEGATIVE
Judge Alfred J. Talley
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Introduction by Louis Marshall
Foreword by Warden Lewis E. Lawes

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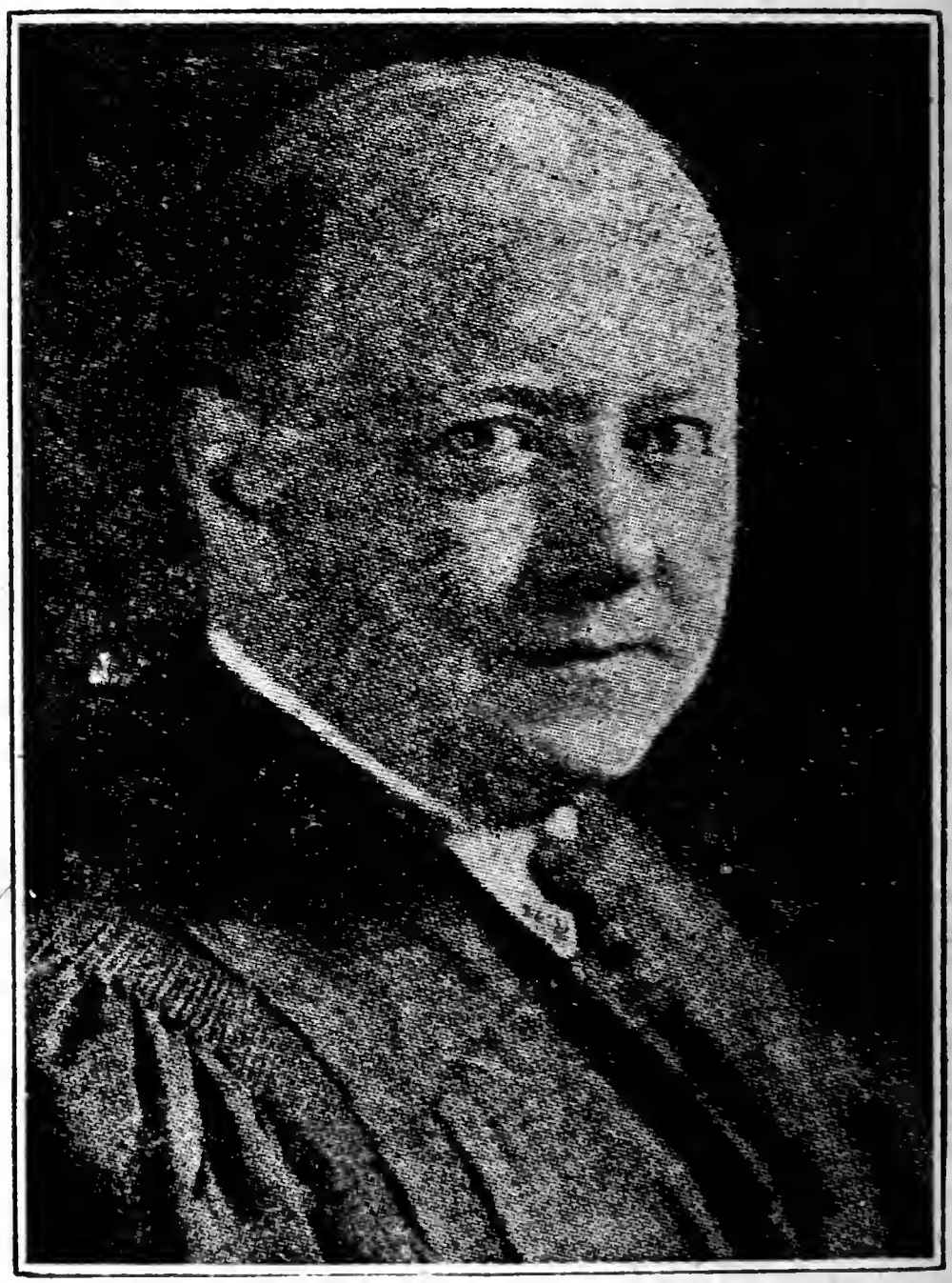
DEBATE ON CAPITAL PUNISHMENT

CLARENCE DARROW



JUDGE ALFRED J. TALLEY

FOREWORD

MR. JAVITS: Warden Lawes, as you all know, is the head of the institution of Sing-Sing, where the executions take place in the State of New York. Warden Lawes, as Temporary Chairman, will now address you. (Applause.)

LEWIS E. LAWES: Ladies and Gentlemen: The Temporary Chairmanship in a debate that includes these gentlemen, it seems to me, is like the relation of a physician or surgeon to an appendix, or some people toward a prohibition enforcement agent.

I feel this subject very keenly and, as Chairman, should be impartial. That will be very difficult for me. We have had murderers since time began, and the problems of dealing with them. Yet if this highly complex subject was spoken about to the man in the street, he would undoubtedly say the solution was to hang or execute all the murderers, imprison all the criminals and spank the juvenile delinquents and send them to bed.

It reminds me of an incident that occurred while I was Superintendent of the New York City Reformatory. Down at the Municipal Building in this city there was an examination being held in the civil service rooms by the Health Department of the City of New York

for the position of Inspector in the Health Department. And one of the questions asked was, "What are rabies, and what can you do for them?" The Irishman, never at a loss for a reply, answered, "Rabies are Jewish priests, and you can't do a damned thing with them." (Laughter.)

That is the attitude, ladies and gentlemen, of the public at large toward the criminal, and, particularly, the murderer. Someone asked me, "Why are you so interested in murderers?" Why shouldn't I be? Yesterday morning I received three orders from the highest court in this State that I shall sometime during the week kill three different men. I alone determine what hour and what minute they shall die.

It is quite necessary, under those conditions, at least, that you know something. Each and every one of you would have made a study of this subject under the same conditions. I decided—and all good citizens should—"Is it necessary, as a deterrent to prevent additional murderers, to kill?"

What kind of men go to the chair? Is it true that three out of four are there for their first offense? Is it true that they are one-crime men; or, are they killers who should be put away by the State for the protection of the community? That can be easily determined.

Why—and this is agreed upon by everyone,

no matter what their views may be—why have we the highest homicide rate of any civilized nation in the world? Why? We find that out of eighty-five homicides we send one man to the chair. If we did that here in New York City, taking the percentage of the country as a whole, there would be one man going to the chair out of every five hundred. Now if we take Italy (and Italy furnishes over thirty per cent of the men who are killed in the electric chair), Italy would have two hundred; Sweden, seventy-five; Great Britain, fifty; Holland, twenty-five; and Switzerland, which is divided in capital punishment (some communities have it, and others have not), would have it so seldom as to be a seven-day wonder.

Now, this subject is something worthy of all men and women thinking about. We find in Rhode Island (a small State, but with no capital punishment) a high percentage of foreigners and yet a low percentage of murders. We find that throughout Europe it is much lower than we find it here.

Is it true that a poor man always goes? Is it true that a rich man never goes? I don't mean to imply by that that the Judge or that the Jury is anything but fair. But one who has money is able to hire counsel and able to present his case so much better. In any event, try and find someone who had money who has gone

I am not supposed to talk. I am just presumed to introduce someone, and that I must do. When I get on the subject it is very hard for me to get away. I have seen so much of the punishment and, perhaps, am biased in that way. Therefore, I have the pleasure of introducing one for whom an introduction is not necessary. He is known locally, nationally and internationally—the Chairman of this debate—the Hon. Louis Marshall. (Applause.)

INTRODUCTION

THE CHAIRMAN (Mr. Marshall): Ladies and Gentlemen: I shall not attempt to deliver an address, because you are here for the purpose of listening to the debaters of the afternoon. The subject which is to be discussed is one which has occupied the thought of the world for thirty centuries. There has been a great change of ideas, but capital punishment has not yet been abolished, although it has been very much limited in its administration.

In the ancient days all penology was based upon the idea of retaliation, vengeance—as it was known in the Roman laws, the *lex talionis*. And the laws of Greece and of Rome were bloody laws. We all know of the Draconian laws of Greece. We all know how men like Socrates were executed merely for expressing opinions which were distasteful to those in authority. We know the laws of the twelve tables in ancient Rome. And those who are familiar with literature can tell at once from their experience in the literature of ancient days what horrible examples of brutality and cruelty were manifested there constantly.

In the Middle Ages the order of the day was the infliction of death. Even in England, which is considered to be the cradle of liberty, at the time of Blackstone, a hundred and sixty years

ago, there were just one hundred and sixty offenses which were called felonies without the benefit of clergy, which meant the infliction of death for the commission of those crimes.

Until the early part of the nineteenth century it was a capital offense in England to steal property worth more than one shilling. There were changes, however, in public sentiment regarding the principles on which punishment was to be inflicted. And in the middle of the eighteenth century there arose such men as Precarrio in Italy, Montesquieu in France, and a little later Jeremy Benton in England, who were the advance guard of a reasonable law in respect to punishment for crime.

And now, since that day, the death penalty is inflicted practically in only two cases—those of murder and of treason. And the question now to be considered is whether or not we should change our policy further and decide that there shall be or shall not be capital punishment.

The subject is not an easy one. If we follow our sympathetic hearts, if we really act according to the natural impulse of a human being, we would be all apt to say that capital punishment should be abolished. There are, however, serious problems of a practical nature which must be pondered and which must be determined. And it is only as a result of careful study, of careful working out of the problem

in the laboratory of the statistician and the scientific penologist that we will ever arrive at a sound and satisfactory determination.

There are those who still believe that the law should be retaliatory, vindictive in its operation. There are, however, others who believe that the law and the statutes regarding punishment for crime shall be of a deterrent nature, of an educative character. And between these various schools of thought, we ordinary men are sometimes greatly puzzled.

I am not here for the purpose of presenting for your consideration this afternoon a solution of the question. But in 1915 the Constitutional Convention of New York seriously considered the question as to what should be done with this subject of capital punishment. I had the honor of being the Chairman of the Committee on Bill of Rights on that occasion. And we had a very industrious Committee. We studied the subject from all of its angles for five months. And, finally, we reported by a vote of six to five a project which was put on the table by the Convention itself, because the Convention was not able to decide the proposition.

But merely for the purpose of indicating another school of thought or another way of arriving at the solution—not that I desire to forestall anything that may be said in the course of this debate—I will just read to you what the conclusion was of that Committee which

dealt with the subject of capital punishment. And it was this:

"On a conviction for a crime now punishable by death, the Jury may by its verdict impose either the death penalty or life imprisonment. And, in the latter event, no pardon or commutation shall be granted, unless the innocence of the person convicted is established."

That might, perhaps, present a middle way. But you are not legislating, and I am not discussing this question before a legislative body. I am merely throwing out this thought as a possible method of solving, probably not forever but for some years to come, what is now becoming every day a more important subject to be dealt with courageously and with full understanding of all the facts.

I have talked longer than I intended to. You have come here to listen to the debaters. I shall now announce the program, which has now been modified to some extent by agreement between the two gladiators. (Laughter.)

The argument will be opened by Judge Talley in an address which will last for thirty-five minutes. Mr. Darrow will follow and will have forty minutes for his opening remarks. Judge Talley will then make his refutation speech, which will occupy twenty minutes; and Mr. Darrow will close with a speech of fifteen minutes. Each therefore having fifty-five minutes allotted to him. There will be no intermis-

sion because of the fact that we began somewhat later than we expected.

I now have the great honor of presenting to you Judge Talley, who is one of our respected citizens, a Judge of great ability, member of the Court of General Sessions of this city, who for years was connected with the office of the District Attorney of the City of New York, who has given careful study to those questions of criminal law which he is administering so ably, and who, particularly, has given more than ordinary thought to the subject which he is now to discuss. (Applause.)

DEBATE ON CAPITAL PUNISHMENT

AFFIRMATIVE PRESENTATION ADDRESS

JUDGE ALFRED J. TALLEY: Mr. Chairman, Mr. Lawes, Ladies and Gentlemen: More brilliant nonsense has been written about crime and criminals than upon any other subject under the sun. And if this afternoon furnishes an occasion when the people of this city, represented by so large and distinguished an audience, will begin to think, and then think right, upon the subject that is of such pressing importance, we will indeed be indebted to my friend, Mr. Darrow, for coming out from the West to New York and attracting an audience of this size. (Laughter and applause.)

Now, there isn't much difficulty in defining the terms of this debate. "Is Capital Punishment a Wise Public Policy?" There can't be any misunderstanding as to precisely the purport of this discussion.

A wise policy is that which is reasonably calculated to accomplish the end which is sought. And in a country, such as ours, that policy should have the approval of the majority of the people of a Republic. And capital punishment is the right exercised by the State to put to death one who has violated that law of the State which says, "Thou shalt not kill,"

and for a murder deliberated and premeditated upon, that penalty shall be imposed.

We need not consider the right of the nation to put to death one guilty of treason. Happily, since the days of Benedict Arnold, that crime, thank Heaven, has been of rare occurrence in this country of ours. And so all we need to concern ourselves with this afternoon is the question of the wisdom and the expediency and the utility of the State exercising the right to put to death one guilty of the crime of murder.

Now, homicide is the killing of a human being by the act or procurement or commission of the one who accomplishes the slaying. But not every homicide is murder. Bear in mind that in this State and in practically all of the States that adopt capital punishment—either without qualification, as in this State of ours, or, as was suggested by Mr. Marshall, where the question of the penalty is left sometimes to the Jury—the only kind of homicide that is punishable by death is what we designate as murder in the first degree. And that is the killing of a human being—which is neither excusable nor justifiable, and which follows deliberation and premeditation upon the part of the killer.

So that no act done in the heat of passion, no act under provocation or occasion that might make it excusable or justifiable is pun-

ished in any of our States by the extreme penalty. But only that kind of killing which follows the mental operation requiring some appreciable length of time, which results in the death of a human being—that kind of slaying alone is punishable by death in any of our States.

Now, the sanest division of my side of this question today would seem to be to discuss, first, the right of the State to impose capital punishment and, then, the expediency and necessity of enforcing that kind of punishment.

In the heart of every man is written the law, "Thou shalt not kill." Upon the statute books of every civilized community is written the law, "Thou shalt not kill." And no one offends that precept through ignorance. It is fundamental that every man knows it is wrong and illegal to take the life of another man.

And we say to the potential murderer in this country of ours, "If you have an intention to slay, your mental operation is that of a premeditated and deliberated effort to kill, if after that condition of mind is found to have been present in you, you take the life of another human being, then you shall be tried for that offense, and all the forms of law shall be observed. Twelve men, selected because of their lack of interest in the result, save such as they may have as citizens of the community, shall be drawn from the highways and byways to

constitute a Jury. A Judge shall preside to see that all the rights given by law to such a defendant as you will be observed. And when—and not until that time—these fellow citizens of yours shall declare that you were the one who accomplished this slaying and that it was not accomplished without deliberation and premeditation upon your part and you had neither right nor justification nor excuse to kill, when your twelve fellow citizens have thus declared and characterized your act, the law says that is murder, and the law says for that murder you should forfeit your life, because you have taken it upon yourself to take the life of another."

Is there anything barbaric or unnatural about a soverign State making that declaration to its citizens? We must have not merely a declaration of a law, but we must have a sanction to that law if any State can hope to endure. Not merely the writing of prohibitory acts upon the statute books of any State is enough, unless back of that statute there stands a penalty for the violation of that law. And, in the absence of such a penalty, the law is a senseless and meaningless thing.

Those who would abolish capital punishment would give this notice to the potential murderer: "You who have snatched away the life of one who had a right to live, you shall be tried by a Jury of your peers. The State will

see to it that you are defended by able counsel if you are without means to employ one for yourself. And if it should happen that a Jury should determine that you are guilty of premeditative murder, you are then by reason of that verdict convicted of that crime, you shall not forfeit your life in return for the one which you destroyed, but you shall be incarcerated in a prison possibly—only possibly—for the remainder of your life. And when you are sent to that prison you shall be put into a cell, into which the sunlight of which you have deprived your victim must ever come. You shall be given some light labor for a few hours a day—fewer than ever falls to the lot of the average man who must earn his bread by the sweat of his brow amongst law-abiding, non-killing people of the community. And you are given this labor not for what it might produce, but primarily that your time might be profitably to yourself employed. And you shall be given entertainment. If you happen to kill in the State of New York, you will be provided with a moving picture show every night of the week (laughter), and at various times during the season prominent Broadway stars will bring up their companies and their paraphernalia for your entertainment. Your less fortunate brother, who has respected the law, must pay for that entertainment in the theatres of Broadway. But you, a ward of the State, will

be provided with these things without the necessity of paying for them at all. And you shall be given three meals a day—meals that will be supervised by a dietician employed by the State. (Laughter.) And if you don't like those meals, if you don't like the prison fare, you may order that which you eat from a private cafeteria, such as we have under the splendid and able direction of a warden of a prison, as our friend, Warden Lawes, who graces this occasion this afternoon (laughter and applause), whose last report shows that more than one-half of the prisoners today confined in Sing-Sing prison eat outside of the prison fare, and that for the first six months of 1923 expended over $50,000 for that kind of food.

That is the notice that is given to the potential murderer in the State of New York. Has the State the right to impose capital punishment for first degree murder? Why, if Mr. Darrow, not content with annihilating me today with the force of his eloquence and logic, would at the conclusion of this debate—or, possibly, before it (he is moving closer to me) (laughter) —attempt to take my life, I would resist that effort. And if it appeared to me, wisely or unwisely, that I was in imminent danger, I would slay him upon this platform. And neither God nor man would question my right to defend my life. Now if I, as an individual, have

that right to kill in self-defense, why has not the State, which is nothing more than an aggregation of individuals, the same right to defend itself against unjust aggression and unjust attack? (Applause.)

Does anyone dispute the right of a nation to kill in the protection of its citizens? Why should the right of any State be questioned when it seeks to protect its citizens and their lives and property against unjust aggression?

Because, in the progress of civilization, the individual has delegated many of his privileges and powers to that which we call the State, we do not in these days leave private vengeance to the individual. We say we are citizens of no mean State or of a great Republic, and that State or that Republic will protect our rights. We leave the sanction of the violated laws to the State, rather than take vengeance in our own hands as individuals.

Those who would seek to take away from the State the power to impose capital punishment seek to despoil the symbol of justice. They would leave in her hands the scales that typify that in this country at least all are equal before the law and that these scales must never tip from one side to the other, loaded on either side with power or influence of the litigant that comes to the temple of justice. They would leave over her eyes the bandage that typifies that she must be no respecter of

persons, but they would take from her hand the sword, without which the other symbols would be meaningless things. For if justice has not the right to enforce her edicts and her mandates, then her laws may be lost upon a senseless people. (Applause.)

The object of punishment of crime must be deterrent, and it must be vindicative—not vindictive in the sense of revengeful, but it must be imposed so that the law and its majesty and sanctity may be vindicated.

It will be argued, I am sure, as it has been argued countless times by those in favor of abolishing capital punishment, that it is not a deterrent to those who would commit crime; that it deters no one with murder in his heart from committing murder. I can read books without number in favor of that argument. I can delve into the works of Bocalley and Lombroso and Lawes and other men who have made intensive study of this question. But, ladies and gentlemen, please do not misunderstand me when I say that out of my own experience, as lawyer for defendant, as prosecutor for the State and as Judge of the greatest criminal court in all the world, I say that the only thing the criminal fears is the penalty of death that will follow his crime. And I need not read that in any book or any essay or any treatise. That is my experience of more than twenty-five years.

Who can say, and substantiate his assertion, that in this country of ours, shamed with ten thousand murders in every twelve months—who can say, with that criminal tendency upon the part of the American people, that stigmatizes us as to the most lawless nation on the face of the earth—who can say that, with murder in the heart of so many of our people, the number would not be twice as great or three times as great if death, which is still the king of terrors (more to the criminal than to the righteous man), were not maintained as the penalty for an unlawful killing? (Applause.)

Do you ladies and gentlemen have any appreciation of the homicide or the murder figures of this country of ours, of the amazing increase beyond all calculation that is shown year after year? Do you realize that in New York, our great Empire City, there is practically a murder every day? And we are a population of some six millions here. And in Mr. Darrow's splendid city of Chicago, with a population of about three million, there are more murders committed annually than there are in New York. And not only are these numbers appalling, but the increase in the annual rate is the thing that should make us pause.

In twenty-eight cities from which statistics were available, in 1900 there were 609 homicides. That leaped in 1910 in these same twenty-eight of the principal cities of our coun-

try to 1,365. And for the period running from 1917 to 1921 those figures of twenty years ago —then 609 homicides a year—reached the appalling figure of 8,946.

MR. DARROW (Interposing): Beg pardon. What is that last figure?

JUDGE TALLEY (Continuing): Eight thousand, nine hundred and forty-six. And I am reading from the statistics of Frederick M. Hoffman, Consulting Statistician of the Prudential Insurance Company of America, a statistician who is cited with approval by Warden Lawes—

WARDEN LAWES (Interposing): Who also does not believe in capital punishment.

JUDGE TALLEY: Who also does not believe in capital punishment. (Applause.) He is with Mr. Lawes and with Mr. Darrow on that subject. And while his statistics are right, his conclusions are all wrong. (Laughter and applause.)

Now, just let me give you an illustration of the homicides in our principal American cities. These figures are based upon 100,000 of the population—that is, so many murders for each 100,000 of the population. Out of courtesy to our visitor, I will refer to his city first. (Laughter.)

In the period from 1912 to 1916 the figures in Chicago for 100,000 population were rep-

resented by nine and five-tenths per cent. They leaped in 1922-23 to twelve and seven-tenths per cent plus. In New York—wicked New York—the figures in 1912 to 1916 are represented by five and six-tenths per cent: less in the period of 1917 to 1921—five and three-tenths per cent; and in 1922-23 they were five and five-tenths per cent plus. In Memphis, Tennessee—(now bear in mind the figures, twelve per cent for Chicago and five per cent in New York)—the figures reached sixty-six and two-tenths per cent. And in Nashville, Tennessee, in the last year they reached thirty-four and seven-tenths per cent. And in the city of Washington, the Capital of our great Republic—with twelve per cent in Chicago, five per cent in New York, the percentage in Washington reached thirteen and three-tenths per cent.

Now I cannot take the time to go over in detail these figures. I simply submit them to you as sketchily as time permits, with this suggestion to follow them: Is this the time to consider abolishing capital punishment when our country is disgraced by the number of murders that are committed upon our shores?

I say it is the time for sensible men and women to come to a realization that there is one way to deal with the criminal and the malefactor, and that is with certainty and severity. There is no other way in which the in-

tegrity of the people of this country or the sanctity of the law may be observed. I am in favor of abolishing capital punishment when the murderers of the country abolish its necessity. (Applause.)

NEGATIVE PRESENTATION ADDRESS

THE CHAIRMAN: It is only because the next speaker happens for some unknown reason not to live in the City of New York that this Lochinvar has been obliged to come out of the West for the purpose of trying to prove to you that the steed that he rides today is the best. Mr. Darrow has a national reputation. He is known from the Atlantic to the Pacific as a lawyer, as a defender of unpopular causes (laughter), as an essayist and as a great speaker. I need not say more. He will prove to you that what I have said so far is pretty nearly correct. (Applause.)

MR. DARROW: I had this stand moved up so I could get next to the audience. (Laughter.)

I hope I will not be obliged to spend too much time on my friend's address. I don't think I shall need to.

First, I deny his statement that every man's heart tells him it is wrong to kill. I think every man's heart desires killing. Personally, I never killed anybody that I know of. But I have had a great deal of satisfaction now and then reading obituary notices (laughter), and I used to delight, with the rest of my hundred per cent patriotic friends, when I saw ten or fifteen thousand Germans being killed in a day.

Everybody loves killing. Some of them

think it is too mussy for them. Every human being that believes in capital punishment loves killing, and the only reason they believe in capital punishment is because they get a kick out of it. (Laughter and applause.) Nobody kills anyone for love, unless they get over it temporarily or otherwise. But they kill the one they hate. And before you can get a trial to hang somebody or electrocute him, you must first hate him and then get a satisfaction over his death.

There is no emotion in any human being that is not in every single human being. The degree is different, that is all. And the degree is not always different in different people. It depends likewise on circumstances, on time and on place.

I shall not follow my friend into the labyrinth of statistics. Statistics are a pleasant indoor sport—not so good as cross-word puzzles (laughter)—and they prove nothing to any sensible person who is familiar with statistics. (Applause.)

I might just observe, in passing, that in all of these states where the mortality by homicide is great, they have capital punishment and always have had it. (Applause.) A logical man, when he found out that the death rate increased under capital punishment, would suggest some other way of dealing with it. (Applause.)

I undertake to say—and you can look them up yourselves, for I haven't time to bother with it (and there is nothing that lies like statistics)—I will guarantee to take any set of statistics and take a little time to it and prove they mean directly the opposite for what is claimed. But I will undertake to say that you can show by statistics that the States in which there was no capital punishment have a very much smaller percentage of homicides. (Applause.)

I know it is true. That doesn't prove anything, because, as a rule, they are States with a less divers population, without as many large cities, without as much mixtures of all sorts of elements which go to add to the general gayety—and homicide is a product of that. There is no sort of question but what those States in the United States where there is no capital punishment have a lower percentage than the others. But that doesn't prove the question. It is a question that cannot be proven one way or the other by statistics. It rests upon things, upon feelings and emotions and arguments much deeper than statistics.

The death rate in Memphis and in some other Southern cities is high from homicide. Why? Well, it is an afternoon's pleasure to kill a negro—that is about all. (Applause.) Everybody knows it.

The death rate recently in the United States

and all over the world has increased. Why? The same thing has happened that has happened in every country in the world since time began. A great war always increases death rates.

We teach people to kill, and the State is the one that teaches them. (Applause.) If a State wishes that its citizens respect human life, then the State should stop killing. It can be done in no other way, and it will perhaps not be fully done that way. There are infinite reasons for killing. There are infinite circumstances under which there are more or less deaths. It never did depend and never can depend upon the severity of the punishment.

He talks about the United States being a lawless country. Well, the people somehow prefer it. (Laughter.) There is such a thing as a people being too servile to law. You may take China with her caste system and much of Europe, which has much more caste than we. It may be full of homicides, but there is less bread and there is less fun; there is less opportunity for the poor. In any new country, homicide is more frequent than in an old country, because there is a higher degree of equality. It is always true wherever you go. And in the older countries, as a general rule, there are fewer homicides because nobody ever thinks of getting out of his class; nobody ever dreams of such a thing.

But let's see what there is in this argument. He says, "Everybody who kills, dreads hanging." Well, he has had experience as a lawyer on both sides. I have had experience on one side. I know that everybody who is taken into court on a murder charge desires to live, and they do not want to be hanged or electrocuted. Even a thing as alluring as being cooked with electricity doesn't appeal to them.

But that hasn't anything to do with it. What was the state of mind when the homicide was committed? The state of mind is one thing when a homicide is committed and another things weeks or months afterward, when every reason for committing it is gone. There is no comparison between it. There never can be any comparison between it.

We might ask why people kill. I don't want to dispute with him about the right of the State to kill people. Of course, they have got a right to kill them. That is about all we do. The great industry of the world for four long years was killing. They have got a right to kill, of course. That is, they have got the power. And you have got a right to do what you get away with. (Applause.) The words power and right, so far as this is concerned, mean exactly the same thing. So nobody who has any knowledge of philosophy would pretend to say that the State had not the right to kill.

But why not do a good job of it? (Laughter.)

If you want to get rid of killings by hanging people or electrocuting them because these are so terrible, why not make a punishment that is terrible? This isn't so much. It lasts but a short time. There is no physical torture in it. Why not boil them in oil, as they used to do? Why not burn them at the stake? Why not sew them into a bag with serpents and throw them out to sea? Why not take them out on the sand and let them be eaten by ants? Why not break every bone in their body on the rack, as has been done for such serious offenses as heresy and witchcraft?

Those were the good old days in which the Judge should have held court. (Laughter and applause.) Glorious days, when you could kill them by the million because they worshipped God in a different way from that which the State provided, or when you could kill old women for witchcraft! There might be some sense in it if you could kill young ones, but not old ones. (Laughter.) Those were the glorious days of capital punishment. And there wasn't a Judge or a preacher who didn't think that the life of the State depended upon their right to hang old women for witchcraft and to persecute others for worshipping God in the wrong way.

Why, our capital punishment isn't worth talking about, so far as its being a preventive is concerned. (Applause.) It isn't worth dis-

cussing. Why not call back from the dead and barbarous past the hundred and sixty or seventy odd crimes that were punishable by death in England? Why not once more re-enact the Blue Laws of our own country and kill people right? Why not resort to all the tortures that the world has always resorted to to keep men in the straight and narrow path? Why reduce it to a paltry question of murder?

Everybody in this world has some pet aversion to something, and on account of that pet aversion they would like to hang somebody. If the prohibitionists made the law, they would be in favor of hanging you for taking a drink, or certainly for bootlegging, because to them that is the most heinous crime there is.

Some men slay or murder. Why? As a matter of fact, murder as murder is very rare; and the people who commit it, as a rule, are of a much higher type than others. You may go to any penitentiary and, as a rule, those who have been convicted of murder become the trusties; whereas, if you are punishing somebody as a sneak thief or a counterfeiter or a confidence man, they never get over it—never.

Now, I don't know how injustice is administered in New York. (Laughter.) I just know about Chicago. But I am glad to learn from the gentleman that if a man is so poor in New York that he can't hire a lawyer, that he has a first-class lawyer appointed to defend

him—a first-class lawyer appointed to defend him. (Laughter.) Don't take a chance and go out and kill anybody on the statement made by my friend. (Laughter.)

I suppose anybody can go out and kill somebody and ask to have my friend, Sam Untermyer, appointed. (Laughter.) There never was such a thing. Here and there, a good lawyer may have defended people for nothing. But no court ever interferes with a good lawyer's business by calling him in and compelling him to give his time. They have been lawyers too recently themselves to ever work a trick like that on a lawyer. (Laughter.) As a rule, it is the poor and the weak and the friendless who furnish the victims of the law. (Applause.)

Let me take another statement of my friend. He said, "Oh, we don't hang anybody if they kill when they are angry; it is only when they act premeditatedly." Yes, I have been in courts and heard Judges instruct people on this premeditated act. It is only when they act under their judgment and with due consideration. He would also say that if a man is moved by anger, but if he doesn't strike the deadly blow until such time as reason and judgment has a chance to possess him, even if it is a second—how many times have I heard Judges say, "Even if it is a second?" What does any Judge know about premeditation? What does anybody know about it? How many people

are there in this world that can premeditate on anything? I will strike out the "pre" and say how many people are there that can meditate? (Laughter.)

How long does it take the angry man for his passions to cool when he is in the presence of the thing that angers him? There never was a premeditated murder in any sense of psychology or of science. There are planned murders—planned, yes—but back of every murder and back of every human act are sufficient causes that move the human machine beyond their control.

The other view is an outworn, outlawed, unscientific theory of the metaphysicians. Does anybody ever act in this world without a motive? Did they ever act without a sufficient motive? And who am I to say that John Smith premeditated? I might premeditate a good deal quicker than John Smith did. My judgment might have a chance to act quicker than John Smith's judgment had a chance to act.

We have heard talk of justice. Is there anybody who knows what justice is? No one on earth can measure out justice. Can you look at any man and say what he deserves—whether he deserves hanging by the neck until dead or life in prison or thirty days in prison or a medal? The human mind is blind to all who seek to look in at it and to most of us that look out from it. Justice is something that

man knows little about. He may know something about charity and understanding and mercy, and he should cling to these as far as he can. (Applause.)

Now, let me see if I am right about my statement that no man believes in hanging, except for a kick or revenge. How about my friend, Judge Talley, here. He criticises the State of New York because a prisoner may be shown moving pictures. What do you think about it—those of you who think? What do you feel about it—those of you who have passed the hyena age? I know what they think. What do you think about shutting up a man in a penitentiary for twenty years, in a cell four feet wide and seven feet long—twenty years, mind!—and complaining because he had a chance now and then to go out and see a moving picture—go out of his cell?

A body of people who feels that way could never get rid of capital punishment. If you really felt it, you would feel like the Indian who used the tomahawk on his enemy and who burned him and embalmed his face with the ashes.

But what is punishment about anyway? I put a man in prison for the purpose of getting rid of him and for such example as there might be. Is it up to you to torture him while he is there? Supposing you provided that every man who went to prison should be compelled to

wear a nail half an inch long in his shoe. I suppose some of you would do it. I don't know whether the Judge would or not, from what he said. (Laughter.)

Is there any reason for torturing someone who happens to be in prison? Is there any reason why an actor or even an actress might not go there and sing? There is no objection to a preacher going there. Why not give him a little pleasure? (Laughter.)

And they really get food there—what do you know about that? (Laughter.) Now, when I heard him tell about what wonderful food they get—dietary food—did you ever know anybody that liked dietary food? (Laughter.) I suppose the Constitution of the State of New York contains the ordinary provision against cruel and inhuman punishment, and yet you send them up there and feed them on dietary food. (Laughter.)

And you can take your meals out! Now, some of you might not have noticed that I walked over and asked the Warden about it. The reason I did that is because I am stopping over here at the Belmont, and I didn't know but I'd rather go up and board with him. (Laughter.)

Now, this is what I find out: that for those who have gained consideration by good conduct over a considerable period—how long, Mr. Lawes?

WARDEN LAWES: One year.

MR. DARROW: One year—they may spend three dollars a week for board. I pay more than that over here. (Laughter.) They ought to pass some law in New York to prevent the inmates getting dyspepsia. And for those who attain the second class, they may spend a dollar and a half a week. And for those below the second class, nothing can come from outside—nothing. A pure matter of prison discipline!

Why, I wonder if the Judge ever took pains to go up there. I will tell you. I have had some experience with people that know them pretty well. I never saw a man who wanted to go to prison, even to see the movies. (Laughter.) I never saw a man in my life who didn't want to get out.

I wonder what you would have. Of course, I live in Chicago, where people are fairly human —I don't know, maybe I don't understand the New York people. What would you have? Suppose you could tell yourselves how a person was to be treated while in prison—and it doesn't require a great amount of imagination. Most people can think of some relative or some friends who are there. If you can't, most of you can think of a good many that ought to be there. (Laughter.) How would you have them treated—something worse than being shut up in a cell, four by seven, and given light

work—like being a Judge or practicing law (laughter)—something worse than dietary food?

I will tell you. There is just one thing in all this question. It is a question of how you feel, that is all. It is all inside of you. If you love the thought of somebody being killed, why, you are for it. If you hate the thought of somebody being killed, you are against it. (Applause.)

Let me just take a little brief review of what has happened in this world. They used to hang people on the cross-ways and on a high hill, so that everybody would be awed into goodness by the sight. They have tortured them in every way that the brain of man could conceive. They have provided every torture known or that could be imagined for one who believed differently from his fellow-man—and still the belief persisted. They have maimed and scarred and starved and killed human beings since man began penning his fellow-man. Why? Because we hate him. And what has added to it is that they have done it under the false ideal of self-righteousness.

I have heard parents punish their children and tell their children it hurt the parent more than it did the child. I don't believe it. (Laughter.) I have tried it both ways, and I don't believe it. (Laughter.) I know better.

Gradually, the world has been lopping off

these punishments. Why? Because we have grown a little more sensitive, a little more imaginative, a little kindlier, that is all.

Why not re-enact the code of Blackstone's day? Why, the Judges were all for it—every one of them—and the only way we got rid of those laws was because Juries were too humane to obey the courts. (Applause.)

That is the only way we got rid of punishing old women, of hanging old women in New England—because, in spite of all the courts, the Juries would no longer convict them for a crime that never existed. And in that way they have cut down the crimes in England for punishment by death from one hundred and seventy to two. What is going to happen if we get rid of them? Is the world coming to an end? The earth has been here ages and ages before man came. It will be here ages and ages after he disappears, and the amount of people you hang won't make the slightest difference with it.

Now, why am I opposed to capital punishment? It is too horrible a thing for a State to undertake. We are told by my friend, "Oh, the killer does it; why shouldn't the State?" I would hate to live in a state that I didn't think was better than a murderer. (Applause.)

But I told you the real reason. The people of the State kill a man because he killed someone else—that is all—without the slightest

logic, without the slightest application to life, simply from anger, nothing else!

I am against it because I believe it is inhuman, because I believe that as the hearts of men have softened they have gradually gotten rid of brutal punishment, because I believe that it will only be a few years until it will be banished forever from every civilized country—even New York—because I believe that it has no effect whatever to stop murder. (Applause.)

Now let's make that simple and see. Where do the murders come from? I would say the second largest class of what we call murders grow out of domestic relations. They follow those deep and profound feelings that are at the basis of life—and the feelings which give the greatest joy are susceptible of the greatest pain when they go a-riot.

Can you imagine a woman following a man around with a pistol to kill him that would stop if you said, "Oh, you will be hanged!" Nothing doing—not if the world was coming to an end! Can you imagine a man doing it? Not at all. They think of it afterwards, but not before.

They come from acts like burglary and robbery. A man goes out to rob or to burglarize. Somebody catches him or stops him or recognizes him, and he kills to save himself. Do you suppose there was ever a burglar or rob-

ber since the world began who would not kill to save himself? Is there anybody who wouldn't? It doesn't make any difference who. Wouldn't he take a chance shooting. Anyone would do it. Why, my friend himself said he would kill in self-defense. That is what they do. If you are going to stop them, you ought to hang them for robbery—which would be a good plan—and then, of course, if one started out to rob, he would kill the victim before he robbed him. (Laughter.)

There isn't, I submit, a single admissable argument in favor of capital punishment. Nature loves life. We believe that life should be protected and preserved. The thing that keeps one from killing is the emotion they have against it; and the greater the sanctity that the State pays to life, the greater the feeling of sanctity the individual has for life. (Applause.)

There is nothing in the history of the world that ever cheapened human life like our great war; next to that, the indiscriminate killing of men by the States.

My friend says a man must be proven guilty first. Does anybody know whether anybody is guilty? There is a great deal implied in that. For me to do something or for you to do something is one thing; for some other man to do something quite another. To know what one deserves, requires infinite study, which no one

can give to it. No one can determine the condition of the brain that did the act. It is out of the question.

All people are products of two things, and two things only—their heredity and their environment. And they act in exact accord with the heredity which they took from all the past, and for which they are in no wise responsible, and the environment, which reaches out to the farthest limit of all life that can influence them. We all act from the same way. And it ought to teach us to be charitable and kindly and understanding of our fellow-man. (Applause.)

AFFIRMATIVE REFUTATION

THE CHAIRMAN: I don't propose to get mixed up in this debate, because I will be followed by a Judge and then by a distinguished lawyer. (Laughter.) But, then, there are two remarks that I desire to refer to, out of fairness to the profession to which I belong and to the judiciary.

Mr. Darrow said that he did not believe, or intimated he did not believe, that the courts in this city ever assigned a first-class lawyer to defend a man who was charged with murder. I can give testimony to the fact that that is very frequently done here. (Applause.) I don't know what is done in Chicago, but I recall that Mr. William H. Hornblower, Mr. De Lancey Nicoll and Mr. Samuel Untermyer were at one court in three homicide cases, and they performed their duties.

Mr. Darrow has stated that the Judges never did anything in England to stop the conviction of people for one hundred and sixty different offenses—the conviction being followed by execution. I merely wish to remind Mr. Darrow (he probably hasn't read Blackstone lately) that the great reform in the subject of criminal law wrought in England was through the Judges, against Parliament—the people; that

all the great reforms which were made which ended this abuse of having one hundred and sixty penalties punishable by death were wrought, by a great English Judge, Sir Samuel Romely; that the way in which the Judges circumvented the statute was to apply every possible technical rule to the interpretation of an indictment and with regard to rules of evidence to make it impossible to convict people where they had merely stolen a shilling or committed an offense which should not have been followed by punishment by death. (Applause.) I say this in the interest of a fair view of a great subject, in the interest of justice, which I do know to be an existing thing in our American life. (Applause.)

We will now hear from Judge Talley for twenty minutes in refutation of the arguments presented by Mr. Darrow. (Applause.)

JUDGE TALLEY: I will not move this stand back where it was before—not that I want to get next to this audience, but that I am quite content to remain close to you. (Laughter.)

Now, Mr. Darrow says that there is no single argument that can be advanced in favor of capital punishment. Well, if there is any single argument that can be advanced against it, I have not heard it this afternoon. (Applause.)

Did Mr. Darrow use the word logic? He used the word; he didn't adopt any of its principles. (Applause.) And if there ever was a

question that engaged the attention of intelligent men that must fundamentally be determined by logic it is this precise question.

Why, if I am able to gather aright Mr. Darrow's sentiments upon this subject of crime and punishment, we should not shut up any criminal in a prison cell. If criminals are solely the objects of heredity and environment, that is another and a deft way of saying that they are not responsible for their acts. And if they are not responsible for their acts, as Mr. Darrow apparently contends, why punish them at all; why not apologize to them? (Laughter and applause.)

Everybody loves killing, he says. Why, that is a shocking statement to make upon a public platform. It is because we abhor the man who kills an innocent victim that we demand that his life shall pay the forfeit for his act. It is not because we love the killing—it is because we hate the killing—that we stand for adequate and sensible punishment that will vindicate justice in our life. (Applause.)

"The result of the war," says my distinguished friend. Why, there never was a greater fallacy projected upon the people of this, or any other country of the world, than that—that the criminality that we have had since the war is the result of it. The situation would be the same, in my judgment, if there had been no war, but an era of unequal peace for the

last ten or fifteen years. I know of nobody, no organization, that has given more careful consideration to the amazing spread of lawlessness in this country than the American Bar Association, made up of lawyers of the distinction and eminence and sanity such as Mr. Marshall, who adorns this platform this afternoon (applause), who, by the way, if I assigned to defend the poorest and most abject murderer that was ever indicted, would not dare, even if he were disposed, to decline to accept that assignment. (Applause.) He has disposed of that unpleasant suggestion, Mr. Darrow, which I regret was made—because we are so pleasant and friendly here this afternoon. (Laughter.)

Do you suppose that if I had before me a man who, under the law, is entitled to the assignment of competent counsel to defend him for a capital crime, I would take the responsibility of assigning an incompetent lawyer to defend him? I would not, and there isn't a Judge upon the Court of General Sessions,—the only court here, Mr. Darrow, that tries homicide cases, with the rare exception of the Supreme Court—there isn't a Judge on our bench that would assign an incompetent, helpless lawyer to defend a man charged with murder. (Applause.)

Now, this is what the American Bar Association, at its convention in 1922, said about this

theory of the war being responsible for crime. And for a year after, when they met first in San Francisco and then, I think, in St. Louis, the second time, they re-affirmed what they said upon this subject:

> "Crime and lawlessness, in the United States, have been steadily on the increase and out of all proportion to our growth, and there has been a steady and growing disrespect for law. In our opinion, it is not a result of the war. We do not find the proportional increase in crime in 1916 to 1922 greater than from 1910 to 1916. And we have not been able to discover that crimes of violence have materially increased in France, in England or in Canada during or since the war, although the effects of the war naturally must have been more marked in those countries."

Mr. Darrow says that, despite the figures showing the lawlessness of this country, we prefer it. We do, thank God, prefer this above all other nations of the world. And because we prefer it, we want it to be a place for decent, law-abiding and God-fearing people to be able to dwell in. (Applause.)

"How many can meditate?" says Mr. Darrow. There never was a human being that came into this world that had not the faculty of making the choice between to do or not to

do an act. (Applause.) What nonsense!—this talk of heredity and environment. That is what is back of the suggestion that man has no free will. And if he has no free will, he has no common sense. Mr. Darrow said as much in his opening statement—that he denied that there was a law written upon the heart of man that told him it was wrong to kill.

That is the trend of the criminologist of today that thinks as apparently my distinguished friend thinks. They want to get away, not only from criminal but from moral responsibility. (Applause.) They want to get away from the idea that there is an eternal justice. And then, when they accomplish that, they will have done away with all responsibility for any act that is done out of hatred or lust or malice or a desire to gain.

He says, "Why torture one who happens to be in prison?" Men don't "happen" to be in prison. They are there because they have violated the laws of their land and the rights of some other individual, and it is only a fair measure of justice that they shall pay in punishment for the comfort or happiness or gain that they derived because of their crime.

What does Mr. Darrow offer as a substitute for capital punishment as a penalty for murder? He talked so much of the witchcraft of the Puritan father that I expected that the sensible thing would be the offering of a sub-

stitute for that which he seeks to abolish, and I fully expected him to say that we do away with the four-by-ten prison cell and do away with the wall that keeps from the world, that has been aggrieved, the criminals who happen to be in prison, and substitute a ducking-stool for all offenses. That was something the Pilgrim fathers had for witchcraft, as well as death.

Why, the State doesn't kill in anger. The State kills in order that the majesty of justice may be vindicated and that people who would violate its laws must, by the example of that killing, be deterred from taking life.

Did you hear a word from Mr. Darrow when he spoke of the unfortunate who "happened" to find himself in prison—did you hear a word from his eloquent lips about the families of the victims of these 10,000 murders in the United States? You never hear, in this cry for charity for the murderer, a suggestion about charity for the woman that is left alone or with helpless children to support, whose husband has been stricken down by the revolver or the knife of an assassin. Oh, how easy it is to forget the victims of the crime and mess in mawkish sentimentality about the man responsible for that crime! (Applause.)

I hate the thought, despite what Mr. Darrow says, of anybody being killed. There is nothing inconsistent with those of us who believe

that capital punishment is an essential, a necessary thing, in the maintenance of law and order in a sovereign State—there is nothing inconsistent with our abhorrence of killing. No man ever spoke on a public platform who had more of a horror in his heart against the one who would strike down life than I have. But the killing that I abhor is the killing of the victim of a wanton crime, that I think of first, and then it is time enough to think of the killing of the man who desecrated the law by taking a human life (Applause.)

What is a substitute for it? Is it life imprisonment? Why, if that were suggested, we would be told that that was too cruel. Five years after capital punishment was abolished in the State of New York, there would be advocates coming forward, demanding that life imprisonment be abolished.

Must we do away with capital punishment because it is too cruel? Why, the very advocates of doing away with it would be the first to argue that life imprisonment is more cruel than snuffing out, without torture, the life of any individual.

Is the suggestion made (I thought it was) that crime and murder come from the poverty-stricken, the poor and the abject? Did not Mr. Darrow say, in referring to the assignment of lawyers, that it was only the poor, the weak and the friendless who furnished the victims of

capital punishment? Why, if that is a fact, if, from the poor and the friendless and the weak alone come the murderers, then the history of centuries has been a lie that shows that it has been the rich and the powerful and the educated and the men with the best heredity and apparently the finest environment who have been guilty of the most wanton and cruel murders that ever blotted the fair name of this country or any of the countries of Europe. (Applause.)

You can't blow hot and cold on this subject. You can't on one day demand mercy for a murderer because he is poor, uneducated and abject, and, on the other hand, demand mercy for a man because he is rich and over-educated. (Applause.) What nonsense! Poverty—why, it isn't poverty that causes crime half as much as it is crime that causes poverty. What about the poverty of every victim of every one of the nineteen murderers—is that correct, Warden Lawes?

WARDEN LAWES: Twenty.

JUDGE TALLEY: Twenty murderers that are awaiting execution there? What about the poverty of the victims of those murderers—the wives and the children and the hapless? What about the poverty amongst the families of the murderers themselves?

Why, poverty is not the cause of crime, any more than heredity and environment is the

cause of crime. Look around you. The most important men and women in every branch of public and private endeavor in this city and State today have come from the humblest, oft-times, the meanest surroundings. Is education or wealth going to prevent crime? I say that there are enough college graduates in the penitentiaries and prisons of the United States to equip the faculties of all the colleges in the country. (Laughter and applause.)

And I say that if a man's heart is bad, if he exercises that Divine gift of free will—which is the right to choose or not to choose—which is the thing that distinguishes men from the beasts of the field they can make no choice but that do what they do, by instinct, whereas man does it by his intelligence—I say if a man's heart is bad, the less education and the less wealth he has, the better for the decent people of the community. (Applause.)

Now, my time is up. Mr. Darrow will have to reply and, I am sure, will interest and entertain you. And it is a great pleasure for me to have the opportunity to welcome Mr. Darrow here to New York and engage in this very enjoyable and important discussion, that is, enjoyable from Mr. Darrow's point of view and mine, if not from yours.

I just want to say this word, in conclusion: If a fire broke out today in the City of New York and Chief Kenlon and his efficient force

were called to put it out, before they got on their job they wouldn't stop to discuss whether or not Prometheus was properly punished for stealing the fire from the heavens; they wouldn't stop to discuss fire-fighting and its approved and best methods; they would get right on their job and put out that fire. And, if it were necessary, in order to stop the spread of the blaze and prevent a city-wide conflagration, to dynamite your home and mine, they would dynamite them and destroy them. And then, when the fire was out, they might discuss ways and means or methods, but not until then.

We, in this country today, are being swept by a fire that has for its basis and origin an unprecedented challenge of authority. We are swept by a fire that represents a desire, upon the part of too many of our people, for inordinate pleasure as the only object worthy of their effort. We are swept by a fire of an inordinate pursuit, not only of pleasure but of wealth. We are swept by a fire of unprecedented lawlessness, disrespect for law, disregard for authority.

This is no time to advocate mitigating the rigors of the punishment of the criminal. This is the time to get back common sense in the treatment of the willful violator of the law, the steady desecrator of the Temple of Justice. And unless, ladies and gentlemen, we come to

a realization of that necessity in these, our days, the institutions that we boast of as American, the institutions that, because we are American, we love and revere, would be swept away; for, when men disregard the law, that marks the beginning of a people's decay. (Applause.)

NEGATIVE REFUTATION

THE CHAIRMAN: Mr. Darrow will now close the debate. He has fifteen minutes in which to do it. (Applause.)

MR. DARROW: Fifteen minutes in which to answer my friend and the Chairman is, perhaps, a little short; but still I can do it. (Laughter.)

I want to say, in spite of the Chairman having the added dignity of a Chairman, that every single statement that I made is true as to the Judges and the people. The long list of one hundred and seventy crimes was abolished in England because Juries would not convict, until here and there, as Mr. Marshall says, some decent Judges circumvented the law. For God's sake, Mr. Marshall, a great lawyer like you talking about Judges circumventing the law! They aren't enough today to do it. (Applause.)

Now, there is no use of mincing matters over this. There isn't any human being who ever investigated this subject that doesn't know it. Every step in humanity, in the administration of the law, has been against courts and by the people—every step. (Applause.) It is all right for Judges to write essays about it after it has happened. But over and over again, as in New

England, they instructed juries to hang old women for witchcraft, and they refused. And every clergyman stood there, urging it. But they refused, and the old women were not hanged—and that was abolished in New England.

Neither am I making a misstatement when I say that good lawyers are not appointed to defend poor clients. (Applause.) Now, look that up. There may be, here and there, some conspicuous case, but the run of poor clients in a court is without the help of lawyers who are fit to do it. And I will guarantee that every man waiting for death in Sing Sing is there without the aid of a good lawyer. (Applause.)

Now, look that up. I know about these good lawyers. They don't do it. Do you suppose you can get a member of the Bar Association to give his time for nothing? No, he leaves it to us criminal lawyers. Nothing doing—they are taking care of the wealth of corporations. That is what they are doing. (Applause.)

A VOICE: How about you?

MR. DARROW: You want to know about me? I have defended more than half of my clients for nothing. (Applause.) Ever since I began the practice of law, I have given more than a third of my time of every man in my office for nothing. (Applause.) If you want to know about me, that is the truth.

A VOICE: Was it by appointment?

MR. DARROW: No, I never was appointed in my life—never. No Judge would take my time by appointing me, any more than they do any lawyer when he wants to get paid for his services.

Now, I am going to finish this debate.

My friend doesn't believe in heredity. I didn't suppose there was more than one man in the United States who didn't believe in heredity. I knew that Mr. Bryan didn't. (Laughter.) Am I to enter into a discussion about the A-B-C's of science? There isn't a scientist on earth who doesn't believe and say that man is the product of heredity and environment alone. Of course, it takes one from the dark ages to believe in killing human beings. (Applause.)

He talks of logic. He says I don't believe in free will (I do not) and that, therefore, I would say that no man should be confined. Does that follow? No.

Why do we send people to prison? Because we want to hurt them? No. We send them in self-defense, because for some reason they can't adjust themselves to life. (Applause.) And no other reason than that is admissible, and no humane person believes any other reason is admissible.

Why, you want to know about it? If you do, read, study. There have been a great number of scientific men whose work has been for

the benefit of the human race. A great many of these have been students of criminology. Yet, we hear them sneered at this afternoon by men who know nothing, men who dare say that heredity is all "bunk."

Well, of course, it seems kind of hopeless to teach people anything. (Laughter.) I wonder if the gentleman believes in heredity in the breeding of cattle. I wonder if he believes in heredity in the breeding of pigs. I wonder if he believes in heredity—well, didn't he ever see any heredity in a human being? Didn't you see your mother, your father, your grandmother, your grandfather? Why discuss it? Everybody knows it. And those who don't know it, don't want to know it—that's all. (Applause.)

I did not say that every case in prison was that of a poor person. I said that almost all of them were. My friend said that, probably, to make the utterly absurd statement about a terrible crime—the most terrible, he said—because he read it in the newspapers. He doesn't know anything about it—but it is common for a judge to pass judgment upon things he is not acquainted with. (Laughter.)

I said that the great mass of people in prison are the poor. Am I right or am I wrong?

CHORUS: Right! (Applause.)

MR. DARROW: Where do you live that you don't know it? I want to get you to look into

this question. And you can't do it in a minute. You can sing Hossanahs when some poor devil is sent to Kingdom Come, but you can't understand without thought and study. And, contrary to my friend, everybody doesn't think. He says everybody born has free will. Have they? Everybody born has free will—what do you think of that?

Now, am I right in my statement that it is the poor who fill prisons and who go to the scaffold and who are prosecuted and persecuted? Nobody who knows anything about it believes that the rich are the ones, or any considerable fraction of the rich.

He hasn't given me time to shed tears over the victims of the murderers. I am as sorry for them as he is, because I hate cruelty; no matter who suffers, I hate it. I don't love it and get pleasure out of it when it is done by hanging somebody by the neck until dead—no.

But, now, let me tell you. You can find out. I will guarantee that you can go through the Tombs and you won't find one out of a thousand that isn't poor. You may go to Sing-Sing and you will not find one out of a thousand who isn't poor. (Applause.) Since the world began, a procession of the weak and the poor and the helpless has been going to our jails and our prisons and to their deaths. They have been judged as if they were strong and rich and intelligent. They have been victims,

whether punishable by death for one crime or one hundred and seventy crimes.

And, we say, this is no time to soften the human heart. Isn't it? Whenever it is the hardest, that is the best time to get at it. When is the time? If he is right, why not re-enact the penal codes of the past? What do you suppose the American Bar Association knows about this subject? (Laughter.)

A VOICE: More than you.

MR. DARROW: Do you think so? Then you don't know what you are talking about. (Applause.) Their members are too busy defending corporations. There isn't a criminologist in the world that hasn't said what I have said. And you may read any history or any philosophy and they each and every one point out that after every great war in the world, wherever it was, crimes of violence increased. Do I need to prove it? (Applause.)

Let me ask you this: Do you think man, in any sense, is a creature of environment? Do you think you people could, day by day, wish and hope and pray for the slaughter of thousands of Germans because they were your enemies, and not callous you to suffering? Do you think that children of our schools and our Sunday-Schools could be taught killing and be as kindly and as tender after it as before? Do you think man does not feel every emotion that come to him, no matter from what source it

comes? Do you think this war did not brutalize the hearts of millions of people in this world? And are you going to cure it by brutalizing it still more by capital punishment?

If capital punishment would cure these dire evils that he tells us about, why in the world should there be any more killing? We have had it always. We have had it long enough. It should have been abolished long ago.

In the end, this question is simply one of the humane feelings against the brutal feelings. (Applause.) One who likes to see suffering, out of what he thinks is a righteous indignation, or any other, will hold fast to capital punishment. One who has sympathy, imagination, kindness and understanding, will hate and detest it as he hates and detests death. (Applause.)

E. HALDEMAN-JULIUS
Editor
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The Ordeal of Prohibition

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THE ORDEAL OF PROHIBITION,

I

It took many months for the inhabitants of the United States to realize that (at least theoretically) the country had gone dry. The Eighteenth Amendment and the Volstead Act were passed without submission to the people, who had been educated for nearly a century and a half to believe that they were the supreme power of the government of the land. A radical and revolutionary change in policy was made as a war measure, at a time when the great majority of citizens were engrossed in graver matters, and when none but a few zealots considered Prohibition important. While the legislation designed to put into effect was pending, a large number of our young men were fighting in France and the whole country had its thoughts on the war. It was a favorable time for zealots to do their work.

But all that is now past. By whatever means it was done, and however slight may have been the understanding of the people, the fact is that Prohibition is entrenched today in the fundamental law of the nation, and, what is more important, that there are many men and powerful organizations who feel it to be their duty to enforce it. The impossibility of its com-

plete repeal has only slowly dawned upon the American people. Even to modify the Volstead Act would require a political revolution; to repeal the Eighteenth Amendment is wellnigh inconceivable. Eleven or twelve million voters, properly distributed amongst the States that naturally support Prohibition, will suffice to keep it on the books. But does this mean that it will remain in force forever? Does it mean that millions of people who have no sense of wrong in making, selling or using intoxicating liquors will be subject for all time to drastic penalties and tyrannical judgments?

The question can be best answered by a glance at the history of the methods by which laws have been made and repealed in the past. Against the rash doctrine of the unthinking, so often heard today, that so long as a law is on the books it must and shall be enforced, stands the almost universal experience of mankind. Probably no one who ever actually studied the growth and change of law and understood the true nature of government has ever held that so long as a statute is on the books it should be enforced. All such students know that it is an idle statement, made by men who are ignorant of history, or who are excessively eager to enforce some particular law.

Most laws grow out of the habits and customs of the people. These customs grow into mores and are finally embodied in laws. Long before statutes are passed, the great mass of men have formed their attitudes and ways of living and the statutes are simply codifications

of existing folkways. Now and then, however, this natural process is changed. Some active minority, moved by religious zeal, political intolerance or special interest, finds itself able to pass a law that has not originated like the others in the customs and habits of the people. Such laws are often extremely arrogant and oppressive; they violate the conscience, the practice and the beliefs of a large number of the citizens of the state. No better illustration can be found than the body of statutes which shaped and directed the Inquisition. These were laws meant to enforce religious doctrines; they were passed alternately by Catholics and Protestants, depending upon which was in power at the time. During the three or four hundred years of violence and bloodshed that followed, many millions of human beings were directly put to death by execution or indirectly by war, and they comprised many of the best, the most intelligent, and the noblest people of the earth. The reign of terror devastated large portions of Europe and threatened completely to destroy freedom of thought and speech. Very few people in any country today would advocate the revival of any of these fierce and bloody laws. Civilization looks back upon them in amazement and horror. It feels a deep relief that the Inquisition is dead. But it forgets the method by which the laws underlying the Inquistion were got rid of.

It took religious persecution more than a hundred years to die in Europe. It lingered in some countries long after it was dead in others. It was not disposed of at last by repealing the

various civil and canonical laws under which hundreds of thousands had been burned at the stake and tortured in the most horrible ways; it perished through the growth of scientific knowledge and rationalism, in the churches and out. Gradually the inquisitors themselves refused to enforce the laws. They framed for themselves all sorts of excuses and evasions. until finally they began to take their appointments and draw their salaries without any thought of performing the bloody services for which their offices were created. The Inquisition died because it was outgrown. In some places, long after the persecutions were ended, the laws were repealed, but not always, not everywhere; sometimes they were allowed to remain on the books. Some of them, indeed, have never been formally repealed to this day. But there are few bigots now living who would urge that men should be burned or tortured because they disagreed with a theological dogma. Even the most unintelligent would not seek to resurrect the torture chamber on the ground that it is a sacred duty of government to enforce all laws, however foolish, so long as they remain on the books.

Along with these laws, and really a part of them, was the code which punished the crime of witchcraft. This, like the code of the Inquisition, was a part of both the civil and the canonical law. The statutes were numerous and brutal in the extreme. They provided for torture, for burning, and for even more horrible modes of killing. After the death of the witch, his or her estate was confiscated. These cruel and barbarous laws were in effect all over

Europe and spread to America; they were in force, at one place or another, for three hundred years. Now and then some judge or ecclesiastic who was more enlightened and humane than the others refused to put witches to death, and so prosecutions would tend to fall off. But at some subsequent time they would be resumed again by a sudden flaming of religious fanaticism. Joan of Arc was one of the noblest victims of this fanaticism. Would our modern Prohibitionists have approved of her death on the ground that the law was on the books? Would they have solemnly mouthed the foolish phrase that "the best way to get rid of a bad law is to enforce it?"

Cotton Mather wrote a history of witchcraft. It was introduced to the English public by Richard Baxter, who declared in his preface that "a man must be a very obdurate Sadducee who would not believe in it." The book was extensively circulated in America and had a great influence in spreading the belief in witchcraft and in supporting the drastic laws which were passed against it here. Now and then some enlightened clergyman, such as Hutchinson, denounced witchcraft as a delusion, but the belief in it became almost universal. Gradually, however, either because of weariness in the shedding of blood or a rising skepticism, the prosecutions began to abate. Three witches were executed in England in 1682 and one in 1712. These were the last who died under those fanatical, horrible laws outside of Spain, where the mania lingered into the next century. Many began to disbelieve; juries refused to convict; pamphlets

and books appeared against the prosecution of witches. The law remained on the books,—but it was dead. It perished from lack of use, not from repeal. John Wesley, writing on the subject in 1760, regretted its disuse. He admitted that most learned men, by that time, disbelieved in witches, but he still contended that witchcraft was a fact. He regarded the general disbelief "a compliment which so many that believe the Bible pay to those who do not believe it," and said that the "giving up of witchcraft is in effect giving up the Bible."

The story of witchcraft in America is not so long. Up to the year 1692, there had been perhaps a dozen trials and not over two or three executions. Most of the prosecutions occurred in 1692. They were almost all in Salem, Massachusetts, the first ones occurring early in the year under an old English law that was still in force but had lain dormant in the Colonies. In the same year Massachusetts passed a new act defining and punishing the crime. In this year some twenty people, mostly women, were convicted and executed in Salem. Accusations passed from one to another until no one was safe; finally a charge was made against a prominent and influential woman of Salem, the wife of a clergyman. Everyone began to fear accusation. In 1693, a number of people were placed on trial in Salem. The evidence was not substantially different from the evidence in 1692, but the jury refused to convict. No further trials occurred in Massachusetts, but the law was not repealed until two years later.

It should be noted that the juries that ac-

quitted in 1693 were made up of the common people, while the juries that acquitted in 1692 were made up of freemen, who were necessarily church members and therefore not so likely to act as independently and humanely as jurymen selected from the body of the people. Winfield S. Nevins, in his "Historical Sketch of Witchcraft in Salem," says that after the first acquittal in 1693, "every effort was made by the authorities for three months longer to secure convictions. The officials never relaxed their efforts until the juries composed of the common people had refused repeatedly to convict."

II

The long code of laws in America which have passed into history under the name of the Blue Laws furnish another illustration of the way in which fanaticism burdens the statute-books with oppressive legislation, and also of the way in which the common sense of the people finally disposes of it. It would be hard to find a variety of conduct that the Blue Laws did not attempt to regulate or any expression of pleasure that was not frowned upon or forbidden. They forbade women to dress their hair in a way that would attract attention, or to wear ribbons or silks. They forbade attending theaters; all kinds of travel on Sunday, except going to and from church; sleeping in church, not attending church, and the playing of any game of any sort on Sunday. They regulated the diet of the people, and of course regulated it so that they could eat nothing which tasted good or was expensive. They constituted, in brief, a desperate crusade against joy. Their theory was that good people would have their pleasures after death, and that the less joy they indulged in on earth the more they would get in the hereafter.

These laws made it the duty of all men to deliver offenders to the police for punishment. They made spies and informers of every citizen, and those who failed to serve did so at their peril. Dancing was forbidden; children were forbidden to walk the streets and fields on Sunday, for "they misspend that precious

time, which tends to the dishonor of God and the reproach of religion, grieving the souls of God's servants." Parents were required to punish any child over seven years old for these offenses and to report it to the authorities in case punishment accomplished no result. In order that the Sabbath should be strictly observed it was provided that Saturday night, after sun-down, was a part of the Lord's Day, but that the Sabbath did not end at sunset on Sunday, but continued until midnight. Death for cursing or striking persons was decreed by the Massachusetts Colony in November, 1646, if done by a boy or girl over sixteen years old. It was enacted that "any son which will not obey the voice of his father or the voice of his mother and when they have chastened him will not harken unto them, then shall his father and mother, being his natural parents, lay hold on him and bring him to the Massachusetts Assembly in the Court, and if it is proven in Court that their son is stubborn and rebellious and will not obey their voice and chastisement, but lives in sundry, notorious crimes, such a son shall be put to death."

Politicians, Better Government Associations and Law Enforcement Leagues loudly proclaimed that all these laws must be obeyed; that so long as they were on the books they must be enforced. They are, however, not enforced today—even though many of them have not been repealed. Theaters were forbidden in Boston, but there were plenty of playhouses in New York and the well-to-do who lived in Boston and believed in enforcing the law went to New York and attended the theater there,

just as they now go to Havana, Canada, Mexico, and England for a drink. Later, theaters were built in Boston, at first under the pretense that they were not theaters at all, but only lecture-halls. In them songs were sung and women walked on tight ropes. The people grew bolder and bolder as their natural impulses asserted themselves. The performers were prosecuted, but the juries acquitted them and judges began distinguishing what the law meant until it finally meant nothing.

Most of the other Blue Laws died the same way. The law compelled going to church on Sunday, but many people would not go. The law forbade sleeping in church, but they slept. Women wore ribbons and silks and curled their hair in spite of the law. Children were children, and played on Sunday. Occasionally, after they had been long ignored, under the impetus of a general housecleaning, some of the old statutes were repealed. But many remain on the books today; they are not worth repealing, for they are dead. They are like the rudimentary muscles which abound in the human body; they once did some kind of service, but the rest of the muscles found a way to get along without them, so they became useless and atrophied. They were not removed by a surgical operation, for it would have been difficult and superfluous.

The Poor Laws of England which were more or less in force for three hundred years—from the Sixteenth Century to the beginning of the Nineteenth furnish abundant evidence of the way that arbitrary and cruel legislation may

be forced upon the books by an active party serving its own interests. And, together with the Labor Laws of the same period, they show also the method by which the people get rid of such statutes. "Begging and idling" were strictly forbidden except upon special license by the authorities. "Sturdy beggars"—that is, persons who were able to work but idled away their time—came under the fierce condemnation of the law. Punishment of death for the third offense was enacted and thousands of people suffered execution. Still, in spite of the statutes and their steadily increasing penalties, it gradually grew impossible to convict, and they finally fell into disuse—long before their repeal. In 1530 Parliament passed a law confessing the failure of all other laws to accomplish the object aimed at; its preamble was as follows:

> Whereas, in all places throughout this realm of England, vagabonds and beggars have long time increased and daily do increase, in great and excessive numbers by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung and daily insurgeth and springeth continual thefts, murders and other heinous offenses and great enormities to the high displeasure of God, the inquietation and damage of the King's people and the disturbance of the common weal of this realm. And whereas many and sundry good laws . . . have been before this time devised and made . . . for the most necessary and due reformation of the premises, yet that notwithstanding the said numbers of vagabonds and beggars be not seen in any part to be diminished, but rather daily augmented and increased into great routs and companies as evidently and manifestly it doth and may appear.

Although this law provided for excessively

barbarous punishments, it had no effect, and five years later Parliament passed another law, one section of which read:

> . . . that if any of the aforesaid ruffelers, sturdy vagabonds and valiant beggars, after such time as they have been once apprehended, taken and whipped, . . . happen to wander, loiter or idley to use themselves and play the vagabonds and willingly absent themselves from such labor and occupation as he or they shall be appointed unto . . . that he or they, being again apprehended and taken of suspicions of idleness, . . . shall be brought before the next justice of peace, and upon due examinations and proof of the continuance of his said loitering, wandering in idleness or vagabondage shall be not only whipped again and sent into the [place] . . . whereunto he was first appointed, but also shall have the upper part of the gristle of his right ear clean cut off, so as it may appear for perpetual token after that time, that he hath been a contemner of the good order of the commonwealth . . . [and for a third offense] then every such sturdy vagabond and valiant beggar so found guilty as contemned shall have judgment to suffer pains and execution of death as a felon and as enemies of the commonwealth and to lose and forfeit all their lands and goods as felons do in all other causes within this realm. . . .

But even this law had no effect. The statutes were constantly neglected and new legislation was passed without better results. Finally, the whole body of it fell into complete disuse. But it was not repealed until 1834!

With the rise of trades unionism in England drastic measures were taken against rebellious workmen. For one laborer to solicit another to join him in a strike was made a felony. Organizations of workingmen were driven into the woods and waste places to carry on their activities. These laws were made and enforced by

landholders and by others who wished free competition between individual workingmen, that wages might be low; but in spite of jails and scaffolds the labor organizations grew and flourished until all the laws were nullified by disuse. It was only long afterward that they were repealed.

III

The English criminal code is filled with examples of the process of getting rid of legislation by disuse. Up to the beginning of the last century more than two hundred offenses were punishable by death in England, including loitering and loafing, petty larceny and poaching. The scaffold had its thousands of victims, but crime increased. Finally juries refused to convict, judges found excuses, the laws became dead letters, and eventually they passed into the rubbish heap. They were repealed in the end because they encumbered the books and no longer had any vital force. The humanizing of the English penal code came from the fact that juries would not convict. They were too humane and decent to obey the laws.

The history of the past is carried into the present. All our codes are filled with obsolete laws. The Fugitive Slave Law was never obeyed in the North; it took more than a law to compel a humane white man to send a black man back to slavery. The Sunday laws today in many states of the Union forbid the publication of newspapers, the running of trains and street cars, riding and driving for pleasure, attending moving picture shows, playing any game, the starting out of boats on voyages, or the doing of any work except works of necessity. Nearly all these laws are dead, though they still remain on the books. They are dead because they do not fit the age. They are not

now a part of the customs, habits and mores of the people. They could not be enforced.

After the Civil War the Constitution was amended to abolish slavery and provide equality between whites and blacks. Congress and most of the Northern States thereupon passed explicit legislation forbidding any discrimination between the races in public places, such as hotels, theaters, railroad trains, street cars, restaurants and the like. But these laws, as everyone knows, are now openly ignored. The Negro does not go to the good hotels; he does not have good seats in the theatre; he does not enter the best restaurants; is not permitted to mingle with the whites, or to get what the whites believe belongs exclusively to them. This is not only true in the South; it is rapidly becoming a fact in the North. Custom and habit over-ride the law because of the deep prejudice of the white against social equality with the black. Any effort to enforce these laws would bring serious consequences either North or South, and would no doubt injure the condition and standing of the black man, which can only be improved by a long process of education and growth. It cannot come from passing laws. All sorts of gambling is forbidden by the statutes of the various States. This includes betting and playing cards for money or prizes; it includes raffles even at church fairs. Yet most Americans gamble in some way or other—and are not prosecuted.

The Anti-Trust Act is a notorious example of legislation that is not enforced and cannot be enforced. Only a few prosecutions have ever

been brought under it, and even when a prosecution has been successful ample means have been found to accomplish the desired ends in spite of the law. It has never kept Big Business from organizing and combining. It never can or should. Nevertheless, Big Business, through complaisant law officers and courts, has been able to enforce it against organizations of workingmen that engage in strikes. This is done in spite of the fact that it was passed in the interest of workmen and consumers and to control Big Business.

No one who has property believes in the tax laws. No one obeys them or pretends to obey them. When speaking of these laws no one shouts from the housetops the silly doctrine that a law must be enforced because it is on the books. No one even quotes the foolish statement of General Grant that the "best way to repeal a bad law is to enforce it." No doubt Grant was a good soldier, but he was never suspected of being a philosopher or an historian. The way to get rid of a bad law, which means a law obnoxious to large masses of people, is not by trying to keep it alive, but by letting it die a natural death. This is the way that society has always followed in dealing with unjust laws. The tax laws are a part of our civil and criminal codes, yet those who shout the loudest for enforcing Prohibition never pretend to obey them. When a man argues that a law must be enforced so long as it is a law, or that the best way to repeal a bad law is to enforce it, he is talking about some law he wants enforced and not about a law that he believes is tyrannical and unjust.

IV

The laws of the ancient world were modified and repealed in the same manner that is followed in the modern world. In Livy's "History of Rome" is an interesting sketch of the cult of Bacchus, a movement which grew up in obscurity, but about the year 200 B. C. became so strong as to attract the attention of the Roman rulers. Livy says that a Greek of mean condition first introduced it into Etruria. This Greek was "a low operator in sacrifices and a soothsayer." After gathering a small body of disciples about him he proceeded to hold secret meetings and practice nocturnal rites. He soon had large numbers of followers, both men and women. They are accused not only of performing new and forbidden religious ceremonies, but also of drinking, debauching and practicing all sorts of vices. It was charged that from them proceeded counterfeit seals, false evidence poisoning, the burning of buildings and secret murders. A member of a noble family joined the sect and this attracted the attention of the rulers. Laws were passed providing for the burning of its temples, the exile and imprisonment of its members, and the execution of its leaders. The government undertook to stamp out the cult in Rome and the provinces, and in the effort to destroy it indulged in the kind of crusade of hatred and violence which everywhere follows a blind and bigoted political or religious frenzy. Thousands of devotees were put to death, many others were thrown into

prison, and yet others were driven from Rome. But all of these measures failed to destroy the cult. It survived the most drastic laws. In the face of all opposition it grew and flourished until the general break-up of all the old religions in Rome after the introduction of Christianity.

About the year 20, A. D., Tiberius, Emperor of Rome, issued his edict expelling the Jews. The most drastic measures were taken, involving the destruction of their temples and their religious emblems and their own imprisonment and death. But the Jews stayed in Rome. Twenty years later, under Claudius, they were attacked by the same laws and suffered the same outrageous persecutions and an attempt was again made to drive them from the city. Many of them fled, but the majority stayed. They have remained ever since and are there in large numbers now. They have had to face similar drastic and barbarous laws and persecutions in most European countries, but nearly everywhere the Jewish population has steadily increased.

Nero commenced persecuting Christians in Rome about the year 66. Almost every conceivable form of cruelty was adopted to stamp out their religion. The government sought to destroy Christianity not only because it was hostile to the ancient gods but because it was regarded as treasonable to the state. Christians were thrown to the wild beasts in the arena, nailed to the cross, and covered with the skins of wild beasts to be torn to pieces and devoured by dogs. In spite of all this they persisted

bravely and fanatically, and finally a feeling of compassion for them arose in Rome. The decrees were not repealed, but the persecutions died out. They were revived by Domitian in the year 93. Again, the Christians bravely withstood all the terrible ordeals of persecution until the people grew weary in the attempt to destroy them. For a time they were not molested; then Trajan revived the persecution in the year 112. It ran its course, and then, finally, the Christians were left to pursue their way. After the year 177, they were unmolested for nearly a hundred years. Then, under Decius, the laws still on the books were again invoked, resulting in a persecution more bitter and cruel than ever before. During all this time no law was repealed. Enforcement was simply broken down by the devotion of a sect that had faith in its cause.

About the year 310, under the Emperor Galerius, a final attempt was made to stamp out Christianity from the Empire. Like the others, it was met by the stubborn resistance of a religious organization that had grown strong by persecution, and had rapidly increased in numbers year after year. Galerius soon grew tired of the persecution, declared openly that the law was a failure and could not be enforced, granted clemency to the Christians, and left them free to enjoy and spread their faith. If during all these years, they had believed that the law should be enforced so long as it was on the books, Rome, and probably the rest of the Western world, would not today be Christian, even by profession. The repeated attempts of

part of a community to control the beliefs, the conduct and the habits of men who had an instinctive feeling that they were right, and the utter failure of all such attempts, gave birth to the aphorism, "the blood of the martyrs is the seed of the church."

V

It is much easier to pass a new law than to repeal an old one. Legislation which represents special interests or is demanded by organized associations which make a great show of power before law-making bodies is seldom met by strong opposition. The force which demands the law is active and persistent; its insistence leads politicians to believe that a large mass of men is behind it. But when the statute goes into effect it may create serious oppression and violent disorder; it may come into conflict with the desires and prejudices of the majority of the people affected by it. But, once it is on the books, an active minority can easily prevent its repeal. It is only by the steady resistance of the people that it is eventually destroyed.

In spite of the common opinion, this method has always been the ruling one in getting rid of bad laws. It is Nature's way of letting the old die by opposition, neglect and disuse. If it were not in operation there could be no real progress in the law. If history were not replete with illustrations, if philosophy did not plainly show that this must be the method of society's growth, it would be easier to understand the people who so glibly argue that, whatever the cruelty or the hardship, the law must be enforced while it is on the books. A law cannot be taken off the books while it is complacently obeyed. Constant protest is the only manner that history offers the common people of having

their way in the making and administration of the law.

All this, of course, does not mean that all laws are or should be habitually violated. The larger part of our criminal code represents the ideas of right and wrong of nearly all our people. But the sumptuary laws that regulate individual conduct and custom are never believed in by the great mass of the people. Men, unfortunately, are in the habit of being influenced by aphorisms and catchwords. We continually hear of "Law and Order," as if they always went together and law came first. As a matter of fact, order is the mother of law, and the law which seriously overturns habits and customs does not promote order, but interferes with it instead. The enforcement of an unpopular law by drastic threats, by increasing penalties, by more cruelty, is not the administration of justice; it is tyranny under the form of law.

James C. Carter, one of the ablest of American lawyers, in a lecture delivered at the Harvard Law School, said:

> When a law is made declaring conduct widely practiced and widely regarded as innocent to be a crime, the evil consequences which arise upon attempts to enforce it are apt to be viewed as the consequences of the forbidden practice, and not of the attempt to suppress it; and it is believed that the true method of avoiding or doing away with these consequences is to press the efforts at enforcement with increased energy. But when a mistake has been made, its consequences can not be avoided by a more vigorous persistence in it. . . . An especially pernicious effect is that society becomes divided between the friends and

the foes of repressive laws, and the opposing parties become animated with a hostility which prevents united action for purposes considered beneficial by both. Perhaps the worst of all is that the general regard and reverence for laws are impaired, a consequence the mischief of which can scarcely be estimated.

A great part of the misconception about the power of law comes from the assumption that the social group is held together by law. As a matter of fact, the group came into being long before the statutes. It formed itself automatically under the law of the survival of the fittest. The group is always changing in accordance with this natural law. Even statutes and courts are powerless when they stand in its way. To quote again from Mr. Carter:

> The popular estimate of the possibilities for good which may be realized through the enactment of law is, in my opinion, greatly exaggerated. Nothing is more attractive to the benevolent vanity of men than the notion that they can effect great improvement in society by the simple process of forbidding all wrong conduct, or conduct which they think is wrong, by law, and of enjoining all good conduct by the same means; as if men could not find out how to live until a book were placed in the hands of every individual, in which the things to be done and those not be done were clearly set down.

All laws are made, altered and amended in the same way. When a large class does not respect them, but believe them to be tyrannical, unjust or oppressive, they cannot be enforced. It is a popular idea that the majority should rule. But this does not mean that the people should vote on every question affecting human

life, and that the majority should then pass penal statutes to make the rest conform. No society can hold together that does not have a broad toleration for minorities. To enforce the obedience of minorities by criminal statute because a mere majority is found to have certain views is tyranny and must result in endless disorder and suffering.

When the advocates of Prohibition urge that all laws must be enforced, they really refer only to the Prohibition laws. They do not refer to the numerous other laws in every State in the Union that have never been enforced. Even the drastic Volstead Act has not prevented and cannot prevent the use of alcoholic beverages. The acreage of grapes has rapidly increased since it was passed and the price gone up with the demand. The government is afraid to interfere with the farmer's cider. The fruit grower is making money. The dandelion is now the national flower. Everyone who wants alcoholic beverages is fast learning how to make them at home. In the old days the housewife's education was not complete unless she had learned how to brew. She lost the art because it became cheaper to buy beer. She has lost the art of making bread in the same way, for she can now buy bread at the store. But she can learn to make bread again, for she has already learned to brew. It is evident that no law can now be passed to prevent her. Even should Congress pass such a law, it would be impossible to find enough Prohibition agents to enforce it, or to get the taxes to pay them. The folly of the attempt must soon convince

even the more intelligent Prohibitionists that all this legislation is both a tragedy and a hoax.

A wise ruler studies the customs and habits of his people and tries to fit laws and institutions to their folkways, knowing perfectly well that any other method will cause violence and evil; he knows that fitting laws to men is like fitting clothes to men. The man comes first and both the laws and the clothes should be fitted to him. Instead of increasing penalties, stimulating cruelty, and redoubling the search for violators, he should take a lesson from Trajan, the Roman Emperor, as shown by his correspondence with Pliny. About the year 112, when the campaign against the Christians was in full sway in the Empire, Pliny, who was the governor of a province, wrote to Trajan for instructions as to how to carry on the prosecutions. The Emperor replied: "Do not go out of your way to look for them."

THE EDWARDSES AND THE JUKESES

I

This is what little Edwards are made of,
  Little Edwards are made of:
Sugar and spice and everything nice;
This is what little Edwards are made of.

This is what little Jukes are made of,
  Little Jukes are made of:
Nails and snails and puppy-dog tails;
This is what little Jukes are made of.

Most of the evidence on which the eugenists rest their case has come from the study of animals whose love affairs have been controlled and dictated in the interest of science. On the basis of these observations, made on rats, dogs, horses and what not, a large number of people have been convinced that the human race would be stronger and better if its production were controlled by taking thought, rather than by leaving the matter of future generations to the system of pot luck which exists in nature. There has recently come to my attention a book by Mr. Albert Wiggam, entitled, "The Fruit of the Family Tree," which may very well serve the purpose of illustrating what has come to be a rather popular point of view. This book is written in a readable manner. The style is lucid, and the author has adopted some striking methods of stating his propositions. Listen to this lyrical outburst on the possible accomplishments of scientific breeding:

Finally, then, we see, actually and literally, that from dogs to kings, from rats to college presidents, blood always tells. The one central problem of progress, the endless task of statesmanship and education, is, therefore, to bring about those economic conditions, those social, political and educational ideals and opportunities which encourage those of good blood to mate with their own kind and produce good families of children, at least more than are produced by stocks of mediocre blood; and to institute stern measures which will insure that those of positively bad blood produce no children at all. Such a race of people can easily run on through the vicissitudes of time, creating ideals, building institutions of worth and grandeur, and developing a culture, all of which are simply the outward expressions of the ceaseless energy of noble blood. Such a people and only such can build great civilizations—civilizations that will continue amid happiness and achievement,

"Until the stars grow old
And the earth grows cold
And the books of the Judgment Day unfold."

This is the general thesis of Mr. Wiggam's book. It can be summed up in the words at the end of the first sentence I have quoted: "blood always tells." The thing which interests me about the book (beside the author's poetry) is that, like every other eugenist since the days when Dugdale first wrote his little classic on the Jukes family, Mr. Wiggam brings in, as part of the evidence to prove his case, the old story of the Jukeses and the Edwardses. This tale, from much retelling, is now familiar to every student of eugenics and even to the man in the street. It concerns, as you will recall, the surprising adventures of the progeny of one Max Jukes (the villian) and one Jonathan Edwards (the hero), both pursued by a relentless fate (the germ-plasm).

Now, while I am perfectly willing to admit with the eugenists that blood always tells, I have never been quite clear about just *what* it tells. Let us, then, see what it has to tell about the Edwardses and the Jukeses.

II

As a rule, the eugenists treat the Edwards family as if the stock began with the celebrated divine, Jonathan. The popular idea would seem to be that Jonathan was sent down from heaven, as it were, to originate a new line and demonstrate the potency of the germ-plasm. In common with many others, I have been considerably impressed, as I have read the books on eugenics by the array of learning shown in the discussion of the Edwards family, but always there seemed to be something lacking. I was thus not satisfied, and determined to go a step further. After much investigation and deep thinking, I discovered that Jonathan Edwards had ancestors. In fact, he had a father and a mother, grandfathers and grandmothers —an ancestry running back to Adam, or in that general vicinity. Of course, the records of most of this ancestry have been lost in the mists that hang over all the past, but at least one can go a little way in tracing back his line.

Jonathan Edwards' father was Timothy Edwards, a New England preacher, whose glory has been dimmed if not totally eclipsed by his son's. His mother was Esther Stoddard, of whom little is known except that she was the mother of Jonathan. He was one of eleven children. All the rest were girls. This being the case, the family name as well as the immaculate germ-plasm has been carried down through history by Jonathan himself. Timothy Edwards

was in turn the son of Richard Edwards, an obscure New England merchant, and of one Elizabeth Tuttle. Timothy was the second of the seven offspring of this fateful couple.

The eugenists stubbornly stick to the Edwards tree and the Edwards name in tracing the output of this remarkable family. Still, even some of the eugenists make it fairly plain that the Edwards family had little to do with the prodigies that followed in the wake of Jonathan. Ae we shall see, the "tilt toward greatness" in his line was given by Elizabeth Tuttle, his grandmother. Elizabeth Tuttle was not an Edwards, save that she took her husand's name. The important question then becomes: who and what was Elizabeth Tuttle? First, let us hear from the invaluable Mr. Wiggam on the subject:

> Elizabeth Tuttle was a marvelous girl. Nearly three hundred years ago at Hartford, Connecticut, she married Richard Edwards, a great lawyer. They had one son and four daughters. They have all left their mark upon American blood. And when anything marks a nation's blood, it marks for weal or woe its ideals, institutions and history * * * *

I note in passing, by way of comment on the general possible accuracy of statements of this sort, that the official genealogy of the Edwards family, prepared by Mr. William Edwards and published in 1903, gives the number of children from this mating as seven, instead of four, and says that Richard Edwards was not a "great lawyer" but a merchant. Furthermore, I am unable to find anything about this Richard Edwards in the encyclopedias, so that even

supposing that he actually was a lawyer, it is not likely that his greatness is to be measured with the same stick as that of a Romilly, an Erskine, an Everts, or an Elihu Root. But let that pass. If Elizabeth Tuttle, "this marvelous girl," was the founder of a new dynasty that "marked the nation's blood for weal or woe," it would have been only fair to her memory, to say nothing about the new science of eugenics, for Mr. Wiggam to have given more facts about her character and her family. In all justice it should be said that he is not the only one at fault in this respect. A number of other books on eugenics give the same meager account. However, Mr. Charles Benedict Davenport of the Carnegie Institute of Washington, who is really the outstanding exponent of eugenics in this country, has fortunately given us more information. His book, "Heredity in Relation to Eugenics," was published in 1911; Mr. Wiggam's, by the way, was published in 1924. Is it possible that Mr. Wiggam could have overlooked the following statement by so eminent an authority as Mr. Davenport?

> From two English parents, sire at least remotely descended from royalty, was born in Massachusetts Elizabeth Tuttle. She developed into a woman of great beauty, of tall and commanding appearance, striking carriage, "of strong will, extreme intellectual vigor, of mental grasp akin to rapacity, attracting not by a few magnetic traits" but repelling when she evinced an extraordinary deficiency of moral sense.
>
> On November 19, 1667, she married Richard Edwards of Hartford, Connecticut, a lawyer of high repute and great erudition. Like his wife he was very tall, and as they both walked the Hartford streets their appearance invited the eyes

and the admiration of all. In 1691 Mr. Edwards was divorced from his wife on the ground of her adultery and other immoralities. The evil trait was in the blood, for one of her sisters murdered her own son, and a brother murdered his own sister.

In view of the fact that in the discussion of the Jukes family (as we shall see later) a great deal of emphasis is laid upon the criminal records and immorality of some of its members, it would seem that the family taking its origin from Elizabeth should have received a little more attention at its source. Probably most of the eugenists who believe that the human race should be tinkered with by way of improving on nature would have then united in the opinion that the line should have ended before it began.

That it is really a Tuttle line and not an Edwards line is not a matter of dispute. Mr. Davenport goes on to say that "after his divorce Richard Edwards remarried and had five sons and a daughter by Mary Talcott, a mediocre woman, average in talent and character and ordinary in appearance. None of Mary Talcott's progeny rose above mediocrity and their descendants gained no abiding reputation." This is quite a slam at Mary, but as she has been dead for 250 years she probably won't mind.

In passing, I may remark on the doubtful chivalry of attributing to her the obvious inferiority of Richard Edwards, which manifested itself so plainly after he married her. Still this may be admissible in the cause of science. It is obvious, however, that her descendants by Richard Edwards were as much Edwardses as

those coming from Richard and Elizabeth Tuttle. Yet, unfortunately, for the argument in favor of the potency of the Edwards germplasm, this second batch of Edwardses "never rose above mediocrity."

So much for the not altogether savoury beginning of the Edwards line. But let us be generous and put to one side the unpleasant fact that it began to the tune of "adultery and other immoralities," with overtones of murder, sororicide, and infanticide. Let us look at the great Jonathan himself. Nothing of startling import showed in the line before the birth of Jonathan. If we forget her "frailties," certainly the fact that Elizabeth Tuttle "was remotely descended from royalty" (whatever that may mean) added nothing to the luster of the Edwards name, especially as the authorities fail to mention the specific royalty or any evidence therefor. What of this Jonathan Edwards, then? Was he really a great man?

III

At the time of his birth at Windsor, Connecticut, in 1703, there were probably not more than half a million people in America. Most of these lived along the eastern border and largely in New England. No doubt all of them came over in the *Mayflower*. It was in this group of New England Puritans that Jonathan Edwards gained some fame in his day. He was a metaphysician, a preacher, and the president of a college. He wrote an elaborate essay on free will which probably not one out of ten thousand of the present generation has ever read. This discourse was based mainly on his weird theology. He had read Locke's celebrated treatise on "The Human Understanding," but he had never read Hobbes, who was one of the greatest Englishmen of his time and who had written profoundly on this subject. Neither had he read the works of David Hume. However, he did read Hume after the publication of his own book. Such was his open mindedness and scientific zeal that of Hume he wrote: "I am glad of an opportunity to read such corrupt books, especially when written by a man of considerable genius, that I may have an idea of the notions which prevail in our country."

But the real fame of Jonathan Edwards came to him as a preacher. He was a Fundamentalist, stern and unyielding. He was filled with religious zeal and ardor and never suffered a doubt to lodge in his brain. At the early age

of seventeen he wrote: "I seemed to be convinced and fully satisfied as to this sovereignty of God, and His justice in thus eternally disposing of men, according to His sovereign pleasure; but never could give an account of how or by what means I was convinced, nor in the least imagine at the time, nor a long time after, that there was any extraordinary influence of God's spirit in it."

The boy's strange conviction bore its full fruit in his ministrations as a preacher. He delighted in defending the most cruel dogmas and doctrines. He seemed to take joy in the thought of eternal hell for the wicked. Some of the titles of his numerous sermons show the ferocious nature of his religion: "Future Punishment of the Wicked"; "Wrath Upon the Wicked to the Uttermost"; a series entitled "Man Naturally God's Enemies"; "The Misery of Unbelievers"; "A Warning to Professors"; "Of Endless Punishment." Or, take, for example, these two titles from his essays: "The Great Christian Doctrine of Original Sin Defended" and "The Justice of God in the Damnation of Sinners." But his greatest effort, prototype of all the rest, was "Sinners in the Hands of an Angry God." Listen to him preaching the religion of the gentle Nazarene:

> They [sinners] deserve to be cast into hell; so that divine justice never stands in the way; it makes no objections against God using His power at any moment to destroy them. The sword of divine justice is every moment brandished over their heads, and it is nothing but the hand of arbitrary mercy, and God's mere will, that holds it back.

They are now the objects of that very same anger and wrath of God that is expressed in the torments of hell; and the reason that they do not go down to hell at each moment is not because God, in whose power they are, is not then very angry with them; as angry as He is with many of those miserable creatures that He is now tormenting in hell. Yea, God is a great deal more angry with great numbers that are now on earth; yea, doubtless with many that are now in this congregation, than He is with many of those who are now in the flames of hell.

So that it is not because God is unmindful of their wickedness and does not resent it that He does not let loose His Hand and cut them off. The wrath of God burns against them; their damnation does not slumber; the pit is prepared; the fire made ready; the furnace is now hot; ready to receive them; the flames rage and glow. The glittering sword is whet and held over them, and the pit hath opened her mouth under them.

The God that holds you over the pit of hell, much as one holds a spider over the fire, abhors you, and is dreadfully provoked; His wrath towards you burns like fire; He looks upon you as worthy of nothing else but to be cast into the fire; He is of purer eyes than to bear to have you in His sight; you are ten thousand times more abominable in His eyes than the most hateful and venomous serpent is in ours. And yet it is nothing but His hand that holds you from falling into the fire at every moment; it is ascribed to nothing else that you did not go to hell the last night; that you were suffered to awake again in this world, and there is no reason to be given, why you have not dropped into hell since you arose in the morning, but that God's hand has held you up; there is no other reason to be given why you have not gone to hell since you have sat here in the house of God provoking His pure eyes by your sinful, wicked manner of attending his solemn worship; yea, there is nothing else that is to be given as a reason why you do not this very moment drop down to hell.

O Sinner! consider the fearful danger you are in; it is a great furnace of wrath, a wide and bottom-

less pit, full of the fire of wrath, that you are held over in the hand of that God whose wrath is provoked and incensed as much against you as against many of the damned in hell: you hang by a slender thread, with the flames of divine wrath flashing about it, and ready every moment to singe it and burn it asunder.

Consider this, you who are here present, that yet remain in an unregenerate state. That God will execute the fierceness of His anger implies that He will inflict wrath without any pity.

The effect of this and other tirades from the pulpit on the minds of the meek and gentle New Englanders was terrible, even ghastly. One account tells us that the "congregations were convulsed with agony. . . . As they groaned and wept, another minister sitting in the pulpit cried out, 'Mr. Edwards! Mr. Edwards! is not God also merciful?'" What the great spokesman of God replied, we are not told. Another account from one who was present on the occasion, is as follows:

I think a person of keen moral sensibility, alone at night, reading this awful discourse, would well nigh go crazy. He would hear the judgment trump, see the advancing hosts of heaven, and feel the day of doom as it began to mantle him with its shroud. And that is exactly what some of his audience felt, for they actually seized hold of the pillars and braces of the meeting-house as if that very moment their sliding feet were precipitating them into the yawning gulf of ruin below. Many groaned and shrieked so convulsively that their outcry of distress completely drowned the speaker's voice and compelled him to pause and ask for silence that he might go on. Mr. Edwards' sermons have been described as a sort of moral inquisition where sinners were put upon argumentative racks and beneath screws, and with an awful revolution of a great truth in hand, evenly and steadily screwed down and crushed.

This great progenitor of a strong and righteous line, this carrier of a potent germ-plasm to generate the race, was a lover of children. In the name of His Master who said, "Suffer little children to come unto me," he talked of infant depravity in such language as this: "As innocent as young children seem to be to us, yet if they are out of Christ they are not in God's sight, but are young vipers, and infinitely more hateful than vipers; and are in most miserable condition as well as grown persons; and they are naturally very senseless and stupid, 'being born as the wild ass's colt' and need much to awaken them."

But enough. . . . Even cold and Puritan New Englanders could not stand this man of God. They drove him from his church for his hard and ruthless theology. True, he afterwards became president of Princeton College for a short time. But God had need of him and soon called him to his final reward. Let us leave Jonathan resting in the bosom of Abraham and pass on to a consideration of his illustrious descendants.

IV

Here, again, we must be on our guard against the blandishments of the eugenists. It will not do for us to assume out of hand that all the twigs on this family-tree are free from worm-holes. The eugenists do not tell us just how many descendants have sprung from the loins of Jonathan. However, knowing something about the begetting powers of Timothy and Richard, not to mention Jonathan, and assuming with the eugenists that the virility and potency of the Edwards germ-plasm has been passed on in undiminished vigor, we may do a little figuring for ourselves.

Jonathan, it will be remembered, was born in 1703. This was a little more than 200 years ago. If we count thirty years to a generation this means that we are now six or seven generations removed from the founder of this noble line. However, as we have already seen, it was not Jonathan who was the real founder, but Elizabeth Tuttle. This means that we are nine generations removed. Now, we know that Elizabeth had seven children by Richard Edwards, one of whom was Timothy. But Richard had six more children by poor little Mary Talcott, making his total score thirteen. Timothy Edwards, in turn, had eleven children, one of whom, Jonathan, in his turn, had five children. (This all happened before the Malthusian law had been thought of). In order to be fair, let us assume that the first three generations had

only four children each who lived to have children of their own begetting (instead of the actual figures given above), and that thereafter, on down to the present generation, each member of the family bore three children, each of which lived long enough to preserve and carry down the precious Edwards germ-plasm.

Theoretically, then, the descendants of Elizabeth Tuttle, living and dead, should number approximately 90,000 individuals. This assumes that there have been no inter-marriages in the family. (Which, of course, there have been, and with God knows whom else, mayhap even with the despised Jukeses! But, more of this in a moment). To be perfectly safe, let us cut the figure to less than half. Let us take 40,000. We may then assume that, by the law of chances, half of the 40,000 descendants from Elizabeth were females. This means that about twenty thousand new names have been brought into the Edwards line. Now, it is also obvious that with every marriage, both male and female, new blood has been brought into the Edwards stream of inheritance, and that in figuring out the laws of heredity attention should be given to the female line as well as to the male. Something like this has been done by the eugenists. An examination of the list of names given as descendants in the Edwards line reveals the fact that they have grabbed a name of more or less importance wherever they could find it. Davenport quotes fifteen names of the "famous" ones in this line, only two of which are Edwardses. One of these is Jonathan himself and the other his son, who lived near

enough to Jonathan "to get talked about." The parade of notables is as follows:

Jonathan Edwards,
Jonathan Edwards, Jr.
Timothy Dwight,
Sereno Edwards Dwight,
Theodore Dwight Woolsey,
Sarah Reeve,
Daniel Tyler,
Timothy Dwight,
Theodore William Dwight,
Henrietta Frances Merrill,
Edward Gates,
Catherine Maria Sedgwick,
Charles Sedgwick Minot,
Winston Churchill.

It might be fair to assume that the fairly well-known family of Dwight, which appears four times in this list, contributed some blood of its own. And this is exclusive of Theodore Dwight Woolsey, who possibly also had something to do with the precious blood that is traced in this genealogy.

If one is interested in knowing how really great are the individuals represented by this list of names, one may apply a rough and ready test by consulting any encyclopedia—and finding what small space is given to most of them, when they are mentioned at all. Another author adds to the Davenport list the names of Robert Treat Payne, who signed the Declaration of Independence, the Marchioness of Donegal (whoever she was), the Fairbanks brothers, Melville W. Bigelow, Morrison R. Waite, Grover Cleveland, U. S. Grant, and Edith Carow. It might be interesting to ask by what right some of these worthies get fame and shelter under the Edwards tree. For instance, Sarah Reeves

is put down as the wife of Tapping Reeves—good enough! Daniel Tyler was a general in the Civil War and founder of the iron industry in Alabama. Henrietta Frances, wife of Eli Whitney, gets in by "burning the midnight oil by the side of her ingenious husband, helping him to enduring fame." The Fairbanks brothers are mentioned as the "makers of scales." Somewhere I have heard of the Fairbanks scales. Their exact weighing qualities are clearly to be traced to Jonathan Edwards. Melville W. Bigelow is mentioned as a great lawyer. Possibly he was. The Encyclopædia Britannica gives biographies of three or four Bigelows which are much more extensive than his. However, we find it stated that he was a law lecturer at Ann Arbor and wrote and revised some law books. This is certainly enough.

But perhaps the inclusion of the name of Edith Carow in the list is the crowning triumph of the eugenists in tracing the enduring vitality of this family-tree. One eugenist uses this language: "Edith Carow, widow of Theodore Roosevelt and mother of his five sons, one of whom, Quentin, was killed in the air service in France, and the remaining four are starting upon careers of honor and distinction." The public generally has attributed some power to Theodore Roosevelt himself. Who would have suspected that his fame and the prestige of his family were due to the fact that his wife was nine generations removed from Elizabeth Tuttle. and had perhaps one chance in a million of having some of the blood of Jonathan Edwards in her veins?

Another author gives us a grand statistical summary of the "greatness" of the descendants of Elizabeth Tuttle. "The descendants number 12 college presidents, 265 college graduates, 65 college professors, 60 physicians, 100 clergymen, 75 army officers, 60 prominent authors, 100 lawyers, 30 judges, 80 public officers, 3 governors, mayors and State officials, 3 congressmen, 2 United States senators, and 1 Vice-President." This adds up to something over 600 out of a possible 40,000. We are not informed about the rest. Probably some of the descendants of Jonathan Edwards have been farmers—poor but honest; perhaps, some of them have even worked. Possibly some of them have received outdoor or indoor relief. There is even room for a few inmates of jails. Who knows? Perhaps if one looked closely enough and had the facts one might find here and there in the 40,000 a few morons and an imbecile or two. But of all these the eugenists tells us nothing. To be a college graduate is not a great distinction; neither to be a physician, an army officer, a lawyer, a congressman, a governor, a Vice-President, or even a President. About the only thing that these figures show is that for some reason a considerable number of the descendants of Elizabeth Tuttle escaped manual toil. But this does not mean that they necessarily had rare intelligence or were men of great parts. Genius cannot be proven by lumping together 265 college graduates.

It is not possible within the limits of this article to show the utter absurdity of tracing out any given germ-plasm or part thereof for

nine generations, or five, or three. Not only does new blood enter at each generation, but to follow the germ-plasm one must go across, as over the squares in a checker board, and take a blind chance at every one of the infinite cross-roads reached. There is probably not one chance in a million that any particular individual in the last generation had any of the "blood" of Elizabeth Tuttle. The amazing thing to me is why anybody of this generation or any other should *want* to be traced to Jonathan Edwards. Why should any eugenist resort to the devious ways that have been used in this genealogy for the purpose of linking even his worst enemies to Jonathan? Who was Jonathan Edwards? Except for his weird and horrible theology, he would have filled no place in American life. His main business in the world was scaring silly women and little children and blaspheming the God he professed to adore. Nothing but a distorted or diseased mind could have produced his "Sinners in the Hands of an Angry God." Nothing but the puritanical, cruel generation in which he lived could have tolerated it. It is easy to see how a considerable number of college graduates, divines, even judges and bankers of that early day might be nearly or remotely related to him. His fame as a preacher gave him a sort of standing that opened opportunities and places to his kin and descendants that were denied to others of greater abilities. The laws of heredity are infinitely subtle and uncertain. The laws of social heritage are very much easier to understand.

What the eugenists have done here is to commit the most elementary error in logic: "after this, because of this." They have gathered a list of more or less well-known names appearing somewhere in the nine generations following Elizabeth Tuttle and have then assumed that in some way the precious germ-plasm of Elizabeth went into making these names "great." Suppose that some evil-minded person wished to show that Elizabeth Tuttle was the bearer of a defective germ-plasm? Such a person would only have to follow the methods and ape the commendable industry of the eugenists. It would be necessary only to pick out of the forty thousand or more individuals who might possibly have taken their origin from the Tuttle germ-plasm a number of idiots, imbeciles, morons, criminals, paupers and the like, and then lay the whole burden on Elizabeth Tuttle via Jonathan Edwards. This without regard to the endless mixture of the germ-plasm all the way down the line, or to the known effect of the social heritage in determining the life of every individual. If the effect of "good" germ-plasm can be demonstrated in any such crude way as has been used in the case of the Edwards family, then anything can be shown which any writer wants to show.

V

So much for the positive side of the case which has been made out for the "marking of the nation's blood for weal or woe." Let us now turn to the negative proofs. What of the villain in the plot, Max Jukes, and all the little Jukeses? Surely, there can be no reasonable doubt that they were a bad lot. Well, let us see.

Most of the information about the Jukes family which has been elaborated into volumes by near-scientists and from them carried to the man in the street by enthusiastic uplift workers originated with Richard L. Dugdale. Dugdale made his first announcement regarding this unhappy family in a report to the Prison Association of New York in 1875. He seems to have been a moderate, rather painstaking and careful gatherer of what appeared to him to be the facts. He had little scientific knowledge concerning the laws of heredity, and did not make any such claims for their effects as those that have been so boldly made by the uplifters since his time. In his day, and for many years thereafter, anything like scientific and thorough investigation was not possible. The kindness and charity of Dugdale are shown by the fact that the originator of the line, in so far as lines have an originator, was concealed under the pseudonym of "Max Jukes." In this respect, he was kinder than the biographers of the Edwards line.

The origin of the Jukes family, like the

origin of the Edwards family, must necessarily be settled arbitrarily. So we are informed that the father of the klan was born somewhere between 1730 and 1740. He was christened 150 years after his birth and 100 years after his death by the name of Max Jukes. He was born, if not especially created by a just God, somewhere on the borders of some wild and rocky lake in the Adirondacks, a region which was then almost an unknown wilderness. Max is described as "a hunter and fisher, a hard drinker, jolly and companionable, and averse to steady toil." Not so bad. In only one regard does he seem to have been like the Edwards family, *i.e.*, he was averse to steady toil. But this appears to be a common failing of all the sons of Adam: I recognize it in myself.

Max in all other respects was certainly the antithesis to Jonathan Edwards, who was not a hunter and fisher (unless of men), probably not a hard drinker, and certainly not jolly and companionable. One can't help thinking that most of us would have preferred Max to Jonathan, and possibly in that number, knowing her as we do, we may include Elizabeth Tuttle. We may pass over the rather obvious fact that Max must also have had a father and a mother and grandparents, and so on back, and that where they came from and when is entirely concealed by the years, as is the genealogy of most of the common people. However, Windsor, Connecticut, which, it will be remembered, was the birthplace of Jonathan, was less than 200 miles away as the crow flies from the five lakes region in the Adirondacks. It is prob-

able that Max's ancestors came from that direction, as they couldn't very well have come from anywhere else. But we will come back to this later. We are further informed that Max worked by spurts and became blind in his old age. The statement is worthy of note. He had many children, two of whom married two out of six sisters. All of these six had the same mother and four bore the same family name. The names of the other two are unknown, which for the eugenists warrants the inference—in this family, at least—that they were illegitimate. Much is obscure after 150 years.

The region in which Max and his family lived is described as the forest-covered margin of five lakes so rocky as to be at some parts inaccessible. In the early days the only work which could be had in those parts was in stone quarries and at lumbering. The Jukeses "lived in log or stone houses, similar to slave-hovels, all ages, sexes, relations and strangers 'bunking' indiscriminately. During the winter the inmates would lie on the floor strewn with straw or rushes like so many radii to the hearth, the embers of the fire forming a center toward which their feet focused for warmth." In these surroundings, we are told, the Jukeses lived for more than a hundred years. A community of semi-industrious laborers and licentious women developed. The young women of the families grew up "comely in appearance and loose in morals." These interesting characteristics naturally attracted the men from a nearby city, even those of so-called good families, and there was brought forth many an il-

legitimate child, usually named after its supposed father. "As a result one finds among the Jukses some of the most honored names of the region." As is only right and proper in a case of this sort, these names are not given by Mr. Dugdale.

Just as the eugenists have produced for us the panorama of the Edwards family from Elizabeth Tuttle down nine generations with all the high spots in between, so, also, they have painted for us in no uncertain colors the dark history of the Jukeses. In the latter picture, however, the high spots are all low spots.

Dugdale studied "709 persons, 540 being of Jukes blood and 169 of X blood who had married into the Jukes family." He estimated that the Jukes family would consist of 1200 persons were it possible to trace all the lines of descent from the original six sisters. As the science of eugenics was then in its infancy, it is not explained how Dugdale knew that 540 were of Jukes blood and 160 of X blood who had married into the family. We can understand how the Jukes *name* might be traced for five or six generations, but we can't understand the evident assurance of the eugenists of their ability to trace out the devious wanderings of the Jukes germ-plasm after 150 years, or even after one new birth. It is obvious that what Dugdale did was to start his investigation with a list of names which he had collected during his connection with various state institutions of New York. He then sought to connect up in a single line all of the paupers, criminals, and whatnot, that he had been able to get records of, and to trace them back to Max Jukes. In

the case of the Edwards family the same technique was applied. The biographer starts with a list of "prominent" names and then follows the meanderings of the Edwards germplasm back to Elizabeth Tuttle by way of Jonathan Edwards.

Of the cases investigated by Dugdale, we are informed that 180 had either been in the poor-house or received outdoor relief to the extent of 800 years. (This means an average of about 4½ years for each person receiving outdoor relief or living in a poor-house). There had likewise been 140 criminals and offenders. (How many criminals and how many offenders, and what or whom they offended is not clear.) There were 60 habitual thieves, 7 lives sacrificed by murder, 50 common prostitutes, 40 women venereally diseased, contaminating 440 persons, and 30 prosecutions for bastardy—all in a period of 75 years. Of course we have no data to show how many of these were the same people under different headings, but that certain individuals were prostitutes, thieves and likewise received outdoor or indoor relief seems to be fairly clear.

This is the way that the case stood against the Jukeses when Dugdale finished his investigation in 1875. But science is untiring in matters of this sort, so in 1916 we find Mr. Arthur A. Estabrook publishing another chapter in the Jukes history under the title: "The Jukes in 1915." Mr. Estabrook took up the study of the Jukes family where Dugdale left off and tried to bring the account down to 1915. In his investigation the total number studied, inclusive of those studied by Dugdale, was 2280. It was

not claimed that this was by any means all of Max Jukes' descendants. Like Dugdale, Mr. Estabrook was able to study only those of which he could get records.

Without going into technicalities of method or into any great detail, it may be said that Mr. Estabrook finds that some of the Jukes are still up to their old tricks. They are still a bad lot. They are charged with harlotry (licentiousness), pauperism, syphilis, intemperance, crime, idleness, blindness, insanity, feeble-mindedness, etc. But a careful reading of Mr. Estabrook's report suggests that the uncritical and over-sanguine partisans of heredity may have to revise some of their notions. When it comes right down to an examination of the actual traits which are inherited, we find that neither Dugdale nor Mr. Estabrook is willing to hazard the opinion that the cases of social deficiency appearing in the Jukes family are directly due to heredity. When one ceases to talk in vague generalities about "good and bad blood" and begins to talk about unit determiners and chromosomes (which is the only language that a really scientific biologist can understand) the case against the heredity of the Jukeses begins to assume and entirely different appearance.

VI

Let us take up some of these traits one by one. There is harlotry, for example, Mr. Estabrook practically concedes that the cases of licentiousness in the Jukes family were due more to environmental conditions than to any hereditary determiner. He finally concludes that before tracing this defect to heredity it is necessary to have much more data than can possibly be obtained. So far as harlotry can have any connection with heredity, it must be reduced to terms of abnormal sex impulse. As a matter of fact, I am willing to hold that a better case can be made out against the Edwardses in this respect than against the Jukeses. Consider the career of Elizabeth Tuttle and the potency and fecundity of Richard, Timothy, and Jonathan Edwards!

The amount of pauperism and indoor and outdoor relief figure prominently in all accounts of the Jukes family. This, too, is conceded to be hard to trace to heredity. It may be due to illness or environment, or, as suggested, "the readiness of the old-time politicians to grant outdoor relief to prospective voters."

Mr. Estabrook does not claim any evidence for the inheritance of syphilis in the Jukes family. It seems to be well settled that while syphilis may be contracted in some cases in the mother's womb, it is never inherited in the germ-plasm. If it were so inherited, it would be hard to find anyone free from it. In Dug-

dale's examination of 709 persons in the Jukes line he found that 40 women were venereally diseased and that they contaminated 440 persons. How he could get this information after 75 years is difficult to imagine, especially the particular persons contaminated, with the evidence of where they were contaminated, and the name of the right lady. To anyone acquainted with the statistics of venereal diseases it is hardly necessary to suggest that the contamination of 40 women out of 350 at some time in their lives, and, especially in view of the conditions under which the Jukes lived, is a rather low batting average. It would only be taken into account by some eugenist hot on the trail of the Jukes.

As to crime, no biologist would pretend to say that burglary, robbery, arson, or murder are inherited in the germ-plasm. Crime doubtless is found more frequently in weak structures, but, weak or strong, it requires the right sort of environment to make a criminal.

Why idleness is catalogued I am unable to say, I never could bring myself to believe that love of work is a virtue. So far as my experience and observation go, the only reason that any one has for working hard is to fix himself in a situation where he won't need to work. If idleness is a crime, why pick on the Jukeses?

Assuming for the sake of argument that there is an unusually large number of individuals who might be judged socially deficient in the Jukes family, what can we say has been inherited? When all has been said and done, the only contention is that the apparently large

number of feeble-minded persons in the Jukes stock furnishes some evidence of inheritance. But what is feeble-mindedness, anyway? I submit that it is entirely out of the question to find out whether a person is feeble-minded fifty or a hundred years after his death. The only way that feeble-mindedness can even be approximately determined is by a thorough and elaborate mental test, which could not possibly have been given in these cases.

It has been the fashion in late years, under the influence of the publications of alarmists, to assume that feeble-mindedness is directly inherited. However, the latest studies on this subject leave us entirely in the air. Mr. Stanley P. Davies, in an instructive and critical analysis of the question published by the National Committee for Mental Hygiene, says, by way of summing up his investigation: "It is apparent from the foregoing that we can be certain of only one thing at present with regard to the mode of transmission of hereditary mental defects, and that is of our uncertainty."

Is there, then, any mystery about the Jukes family? What is all the shouting about, anyhow? Why do the eugenists dodge the perfectly obvious facts to bolster up their case for tinkering with the human race? The Jukes story is the story of any number of other families environed as they were. Living in a sterile country, surrounded by poverty, condemned by conditions which have always been common to certain localites, they developed a manner of living and acquired a reputation which as social heritages were passed on from generation to

generation. A few members of the family were sent to prison. As the record shows, they found it difficult to get work in the small community where they lived. They lacked education where there were no schools nor any adequate opportunity to learn. It is the story of the squalid section of every isolated sterile, rural community and of every poverty-stricken city district. This has been abundantly proven, if proof were necessary, in the growing improvement of the family.

Dr. Estabrook, whose study has been quoted above, came to the conclusion that the stock of the Jukeses showed marked improvement in those members who migrated to other parts of the country and brought up their children outside of what Dugdale called "the crime cradle of the State of New York." This is what we might have expected. Even Dugdale himself pointed out at the time of his study that "during the last thirty years the establishment of factories has brought about the building of houses better suited to secure domesticity and, with this change alone, an accompanying change in personal habits has been introduced, *which would otherwise be impossible.*"

The Jukeses in a barren, rocky, isolated community are contrasted in the literature of eugenics with a family in the fertile Connecticut valley—a family in which a few members having fame were able to pass this heritage to others down the line. Why go out of the way to even infer that the germ-plasm had anything to do with either case? The generations back of Max and those back of Jonathan were in-

finitely greater in number than the generations that have so far followed. In any fairly homogenous community one needs only to go a little way back to find the lines crossed and the germ-plasm mixed. Otherwise there couldn't possibly be enough ancestors to go around. These two historical sires are first discovered living less than two hundred miles from each other. I, for one, am willing to contend that it is a safe bet that Max came from the East, and a not unreasonable guess that the ancestors of the Edwardses and the Jukeses were mixed.

The history of the Jukes family is largely that of all pioneers, of all workers, of the great mass which make up the warp and woof of every country. Their history is the "short and simple annals of the poor." Some men may preach hell-fire sermons, or make speeches in the Senate and the court room. Others do the rough work of the world. Which are the most important in the scheme of life, assuming that there is any scheme of life?

If one were confined to a choice of neighbors between Max and Jonathan, which would one take? I am free to confess that I would take Max without a moment's hesitation.

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The cause combated for is yours; the efforts and sacrifices made to win it ought therefore be yours.
—*Mazzini.*

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THE OPEN SHOP

A DEFENSE OF UNION LABOR

Open Shop: A shop in which workmen of different classes, especially nonunion and union workmen, are employed without discrimination—opposed to *closed shop.*

Closed Shop: A shop that refuses to employ one or more classes of workmen; especially one closed to nonunion workmen.—*Webster's New International Dictionary.*

Under the present system of industrial life there are bound to be employers and employed. It matters not if here and there someone rises from the ranks of the workmen and becomes an employer, or even if some less fortunate man falls from the master class to the laboring class, the system goes on without the least regard to men, and this system calls for employer and employed. The wage system has existed ever since serfdom and is so much a part of industrial life that most people do not conceive that society could live without it.

However men may dislike the use of the word *class*, which is only a little bit removed from *caste*, still so long as the wage system lives there must be an employing class and a laboring class. The one has the land, the mines, the forests, the railroads, the factories and mills—in short, all the means and tools of production; and the other has the labor, which must be applied to these implements to produce wealth. Again, in the evolution of society, the workman, at least in America, is getting further and further removed from the tools of his trade. Improved methods and ma-

chines constantly call for larger production and more expensive tools. The old-time artisan is well nigh gone; neither he nor his tools would have any place in the industry of today. More and more is all production passing into larger hands, which, of course, means fewer hands. The relative number of employers is growing less, and of workmen growing greater. If it should be conceded that any considerable number of laborers, by frugality and industry, by intelligence and luck, could place themselves in the employing class this could not change the order of the world. To operate a railroad or a rolling mill requires a large number of laborers. If one dies or grows rich another must take his place.

Capital, in its effort to multiply itself, constantly invents new methods of production, new tools and implements, and is ever busy in systematizing and organizing its activities to produce the greatest amount from the smallest expenditure of time and strength. Thus the mileage of railroads under one management is ever lengthening, mills and factories and department stores ever growing larger, and a constantly increasing number of workmen are placed under one supervision and one head. It is not necessary to speculate as to whether monopoly is wise or best. The fact is that the growth of monopoly is inherent in our present industrial system, and all efforts to hamper by passing laws or bringing criminal proceedings are not only useless to accomplish the result desired, but are meddlesome and mischievous in the extreme. In all the activities of man some account must be made of natural law, and any method that flies directly in its face is bound to fail. Under present methods there is economy in production on a large

scale, and so long as this is true laws and public opinion alike will be helpless to prevent the tendency to big things in the industrial world.

The masters of finance have always condemned every effort of courts and law-makers to destroy monopoly, and have ever stoutly held that they should be left unhampered to organize and consolidate at will. If this method is pursued to the end it would mean the ultimate organization of all industry under a single head. And if there is economy in big things there is no reason why the end will not some time be reached. In fact, the growth of organization and monopoly in the last few years makes this end much more real than a dream.

It is evident that the employing class has a much greater degree of liberty and independence than the working class. Not only this, but they have much the greater and better directed energy and power. The employing class, from the nature of things, has an accumulated surplus on hand and can afford to wait. Though machines and railroads lie idle and no profits are earned, still the owners of capital are safe from want or serious inconvenience, for an indefinite time. But the workman's case is not the same. The very fact that he is a laborer, selling his energy and skill from day to day, shows that he cannot wait. Not only does he lose his capital, but in the shortest time want and hunger overtake him and force his surrender. Add to his own inconvenience the suffering of his family and there are always but a few days between the workman and absolute capitulation to the employer. Assume that a considerable number of workmen are far removed from want, still

the great mass are always on the verge, and in any protracted struggle the employment of those who can afford to wait is always threatened by the ones who cannot. Every workman is almost directly dependent on his employer. If one of the operators of the Western Union Telegraph Company refuses to work it is a matter of no consequence to the company, but if the Western Union refuses employment it is of very serious concern to him.

From the earliest time all men have always known the vast advantage that goes with wealth. It is for this reason that men have ever struggled to place themselves beyond want, and to provide for a rainy day.

In the work of production capital gathers together the raw forces that it needs and combines these into the finished product which the market wants. The individual employer counts for little in this work of supplying things for trade. He is as much the creature of law as the workman or his tools. The law of trade requires that he shall find the cheapest market in which to buy, and the dearest one in which to sell. Whatever may be the employer's views or feelings he must recognize this law, for he finds himself everywhere in competition with other employers keen and ready to take advantage of any opportunity that the laws of trade place in his hands. Employers have always been the first to recognize the effects of unlimited competition amongst themselves, and to strive by tariff laws, by combinations and pool agreements, and in every way to destroy this cutthroat competition and protect the price of the wares they have to sell. There are not less than ten different lines of railroad by which either singly or through connections the traveler can be carried from Chi-

cago to New York, and yet by agreement these competing lines regulate the price of passenger and freight service, so that the different classes of roads charge the same amount, and competition is destroyed. What is true of these railroads is rapidly becoming true in all lines of production, and dire are the punishments that these combinations visit upon the offender who refuses to abide by the rules and restrictions they lay down.

In this work of production capital buys coal, and ore, and lumber, and labor, and any other raw material that it needs. So far as the capitalist is concerned, labor is as much a commodity to be purchased in the open market as any other product that he buys. Thus it is that the tendency is ever to buy the cheapest labor that will fulfill the market's needs. With the increasing use of machinery the movement towards cheaper labor becomes easier as time goes on. The skilled workman can be replaced with the feeder of a machine, the intelligent laborer with the ignorant, the American with the latest imported foreigner, the European with the Asiatic, the man with the woman, and the woman with the child. Barring periods of great industrial activity and the interference of laws and trade union regulations this movement has been growing with ever increasing force through the industrial development of the United States. Statistics show how rapidly women are made to supplant men, and children to take the places of women in all industries, when improved machinery makes the weaker class of labor available for the production of goods for market.

Not only this, but the cheapest and more helpless the labor the easier has it been for the employer to demand the hardest condition of toil.

Here again the fault is not with the master, but with the market that is all-controlling. But the ignorant and weak, the foreign-born coming from the lower standard of life, and ignorant of our language, and the helpless women and little children will readily submit to the hardest terms: long hours, dangerous tools, unsanitary conditions. In short, any employment that puts off starvation.

In spite of the fact that from the standpoint of the employer and the market, labor is a commodity like any other to be bought at the lowest price and worked into the finished product, still in a limited way society and the law have always recognized that this commodity is not exactly the same as wood and iron and must be governed by a somewhat different rule. Labor is really life. It is the strength and energy and time of human beings given day by day to someone else. To give it without any return is slavery; to take it for an unjust or insufficient return is only so much less.

Making goods for the market (theoretically at least) is not the first concern of the state. Its first concern is the protection of human life and liberty, the general welfare of all the people intrusted to its care. All states are made up chiefly of the workers, those who have little accumulated capital and who are obliged to labor from day to day to obtain the means of life. Any terms or conditions which tend to weaken and impoverish these must tend to weaken and impoverish the state, and any laws or regulations that tend to protect or better the conditions and welfare of this, the largest class of citizens, are in the line of the duty of all government. Of course here, as everywhere, men make mistakes, and many laws and conditions meant to help, serve but to impede, and

often natural laws would have been best when left alone, and more often still the desired result could be reached better through indirection than in any direct way. But all of this in no way changes the law that the concern of government is the protection and welfare of the great mass of its fellow men.

All classes have ever been insistent on their own rights, and regardless of the interests of their fellow man. Thus the captains of industry have ever stoutly maintained their right to monopolize and control; have ever built up their combinations even against positive human law, but they just as loudly deny the right of the working man to monopolize and control the one commodity he has to sell—his labor—which is his flesh and blood, his very life.

Against this tendency of the market to get the cheapest, to replace the skilled with the unskilled, the intelligent with the ignorant, the strong with the weak, the man with the woman, and the woman with the child; against this tendency of the market to lengthen hours of labor, to furnish unsafe tools and unsanitary conditions; against this tendency of the market to take the most and give the least, the trade unions have always been the strongest force. Laws have no doubt done something, much more abroad than here, but in America, with the opportunity of a new rich land, until recent times, these unbounded natural resources were supposed to do away with any of laws. But both in America and Europe the power of trade unions, always exerted to help the members of their craft, has done more to improve the condition of the workman, to give to labor a larger share of production than all other forces combined. Endless facts and arguments could be marshaled to support this statement,

but it is enough that through all the ages the working classes have clung to their unions; have supported them, and built them up in the face of the most powerful influences of society; in the face of legislatures and courts; in spite of starvation, of jails and scaffolds, they have clung to them in good repute and bad as the one thing that stood between them and the serfdom from which they came. And just as persistently the employing classes from the beginning until today have sought by every means at their command—public opinion, the press, legislatures, courts and jails, to destroy these organizations of working men.

Employers have ever regarded labor unions as hostile to their rights; they have so regarded them because it has been the business of organized workmen to get shorter hours, better conditions, safer tools, and a larger share of production than the workman individually could obtain.

Capital has ever resented the interference of organized labor with what it calls its rights; that is, the complete and arbitrary control of all industries to suit its will. Capital can never understand that labor should have any voice in managing the industrial institutions of the land; it cannot realize that the man who works in a mill, or on a railroad, is as vitally interested in its management and should at least have as much to say about hours, conditions, and terms of labor as the one who has nothing but money invested in the plant. True it is that under the present conditions of production the capitalist has the title to the plant and can shut down if he sees fit. But it is just as true that laborers, either singly or collectively, may refuse to take employment except on such terms and conditions as they choose.

If employers and employes alike, from the earliest time, have agreed that labor unions benefited the workman by giving larger wages, shorter hours and better conditions, little further proof should be required.

The individual laborer is absolutely helpless in the presence of the great industrial institutions of today. Imagine one workman amongst forty thousand employes of the Pennsylvania Company making a demand for shorter hours and better terms. There has always been one quick and ready answer to such demand: "If you don't like the terms you had better find another job." Individually the man is helpless; the trade union has furnished the common workman the one institution to which he can look for friendship and protection; the one body on which he can rely for the redress of his grievances, and the protection of his rights, and if society were to remove that protection and safeguard, and cut the workman off from his fellows, and leave him to fight his individual battles against the great combination of capital for whom he works, it would leave the laborer stripped and naked to commence his long and painful journey back to serfdom once again, and when he starts out upon this road, the great mass of men whose independence has been won along with the workman's struggles, the great middle class, must go back with him.

Under present industrial methods it is not merely a question of whether a workman can make better terms through his union by collective bargaining. It is the only way in which he can make any terms whatever; without the union the workman has nothing at all to say about his wages, or his hours, or any of the terms and conditions of the employment he

takes. Imagine the solitary brakeman on a great railroad system going to his foreman and disputing about the price of service or the hours of service. Imagine one track man, by this system of bargaining, getting any more for himself than is paid to all the rest. Without collective bargaining the employer fixes the rate of wages, and all the terms and conditions of his contract, and the individual workman may take it or leave it alone, as he sees fit. If he refuses the employment the place is left open until someone more needy than himself shall be found to fill it. But with all the men operating together and a common refusal to accept the terms or conditions offered, they may meet their employer on something like equal terms.

Trade unionism has grown so old and strong and has been so much patronized by surface thinkers, as well as by that large class who always seek the easiest way, no matter how indirect, that the opposition is not now so much directed against the union as against everything it does. Most people are now willing that workmen shall be organized, provided they do nothing but pass resolutions and pay dues.

The fight waged against unionism today is no less bitter than it was fifty or seventy-five years ago. It is simply directed along other lines. Now, as always, both with trade unionism and every idea and institution that points to a different method from the one the world has known so long, the new idea is sought to be placed in the wrong to be against the law and existing things, and utterly without reason or excuse.

Just now the popular line of opposition against unionism is made in the violent demand for the "open shop." This contention is

supported by all sorts of statements and arguments, mostly false in premises and hysterical in nature. The reasons that have always prompted unionists to demand the "closed shop" have been entirely ignored and their arguments made to turn on something else.

So long and vociferously have the enemies of trade unions declared for the open shop that no doubt many of them really believe that they are fighting for some principle of liberty and justice and not to serve their selfish ends. Mainly their arguments consist in various statements of the assumption that every man has an inalienable right to work when he pleases, for what wages he pleases, and for whom he pleases. The word *inalienable* sounds well, for it is taken from the Declaration of Independence, but it has no meaning in this connection. An "inalienable" right is one which cannot be taken away, and it is obvious that under present conditions no such right exists. In fact, it is stoutly contended for by the very men who have taken away every opportunity that would give a laborer a right or chance to work. Man cannot labor without an opportunity to apply his hands to some of the bounties of nature, to some material from which things are made, and still the inalienable right to work is insisted upon by those who have taken all the coal, and ore, and lumber; who control all the factories and railroads, all the land, and every means to which man might apply his toil. There can be no inalienable right to work without a place to work, and neither the government nor those who declaim the loudest or insist the most, have ever furnished the laborer a place to toil. To this class the inalienable right to work means sim-

ply the inalienable right of the employer, without let or hindrance, to go out in the open market and bid for laborers on the hardest terms, or, rather, to so order the industrial world that all men and women and children must bid against each other for a right to toil. No organized government and no powerful body of men ever really made any demand or enforced any means that would give to every working man an inalienable right to work. All the right a laborer has under the law, or under present industrial methods, is the right to go from employer to employer in search of work. His right to work depends entirely upon his ability to find someone who has the means and inclination to hire him, and no matter how willing or anxious he cannot force himself upon an employer, but he may be denied this inalienable right upon any reason or pretext no matter what. The great mass of working men today have practically nothing but their hands. Where are they to go to enforce this inalienable right? No one knows better than the men who make the statement that the right rests purely upon the master's will, and could trade unionism be destroyed the will would be harder and more arbitrary, and the right to work far less availing than it is today. The inalienable right to work is a bit of birdlime, used to catch the unthinking mass, and society and all industrial life must be made over, or, at least, radically changed before such a right is anything except a far-off dream.

Under the conditions that now seem permanent and well assured, the workman is fairly certain of two things in respect to this boasted right. He has the right to go from place to place and ask for work, and if he finds no one

who will take his services at living rates, he has a right to go to the poorhouse for support. Of course, every effort of trade unionists has been made for the purpose of giving him greater freedom and independence, not less; and it is because of this that it has ever met the violent opposition of the employing class. The inalienable right to work cannot be said to be greater or more manifest than the inalienable right to play, though it has been much more urged. This is no doubt due to the fact that those who have so strongly defended it on the part of others have been much more interested in their work than in their play. If the Declaration of Independence can be said to cover and protect any such right it must be by virtue of the clause in the Declaration of Independence, which judges have called the soul of the constitution, which declares that all men have an inalienable right to the pursuit of happiness. But it is manifest that this provision could be much more easily construed to protect the right to play or the right to social enjoyment than the right to work.

No doubt, if the occasion should arise, courts would insist that every man had the right to amuse himself in ways not prohibited by law, provided, always, that he amused himself alone, or found his pleasure in certain places of public amusement that the laws had always stamped as public, for the reason that their owners appealed to and bid for the patronage of the crowd. But it is very certain that no one would ever contend that the right to the pursuit of happiness gave anyone the right to associate with another against his will, to enter his parlor or his home, or his company without invitation, and when his presence was

not desired. The workman has as much right to choose the companions with whom he will associate in labor, as the employer has to choose the friends with whom he will spend his pastime. The employer has no more right to force any fellow workman upon another during the hours of toil, than the workman has to force his own, or some other person's, society upon the master during his hours of recreation. Each must be free to choose, and the choice may be made for the best or the poorest reason, as the individual shall desire. For a master to insist that because he is a master an employe is bound to work with anyone whom the master shall elect, is not only impudent and insulting in the extreme, but utterly subversive of individual rights.

Of course, both master and workman may exercise the right of association in work and in play, in violation of the highest ethical code, but this has no relation to the right. Men have always been filled with prejudices, just and unjust, against their fellow men. It is, no doubt, only a violent prejudice that could bar many workmen from their employers' parlors in social life, but it is a prejudice that the employer has a perfect right to indulge if he sees fit and to deny that right would leave him no longer the master of himself. The reason why a union workman does not choose to work with a non-union workman is plain and evident and founded in the protection of himself and his fellow craftsmen. But if it were prejudice and nothing else his right to indulge it would be beyond dispute. Instinctively men love the society of others of their kind. This is true the same whether this association is for work or play, and the man who desires the society of

his companions must so conduct himself that his associates are content to live with him. If he sees fit voluntarily to so arrange his life that his fellows do not desire his company he must accept the consequences, however unreasonable society may be. Whether the boycott is just or unjust, equitable or inequitable, has no bearing on the case. In this world men are not crucified because they are good or because they are bad, but because they are unlike their fellows. Trade unionists for centuries have believed that they are upholding the rights of men, the welfare of their class; that without their organization their liberty and independence would be lost; they have come to regard the non-union man as one who not only refuses to stand with them, but who is unloyal to his class, a traitor to his kind. They look on him as a man who seeks to undermine and destroy his fellow workmen, and from the nature of things there is a great gulf between them and him. This is not a fact in trade unionism; it is a fact in human nature, and is as deep and abiding as the right of self-defense. For, in its last analysis, it is self-defense.

The employing class has exactly the same feeling toward one of its own members who gives his influence and strength on the side of the union workman, and who refuses to stand with them in their opposition to the demands of labor, that the trade unionist has to the one he calls a scab. Neither is loyal to his class. Both pay the penalty of their disloyalty to their class; they are cut off from the friendship and association with others of their kind. Doubtless some men take these positions from high motives, but this in no way saves them

from punishment, for this social boycott is nothing but the effort of the class to protect itself. The non-union workman is unpopular with his fellow laborer, but he is in good standing with his employers, for they know him to be their friend, and that he helps them against the common enemy who would take a portion or all the profits they otherwise might get. Likewise, the trade union employer is unpopular with his class, for they know that he is working in the interest of the other side, but he is popular with the workman, for he knows that this man, though a member of the employing class, is his ally and his friend. So long as industry is operated by two classes in hostile camps there will be no compromise and no toleration of a man who is not loyal to his kind.

Trade unions in this regard are not unlike any other class. The doctors and the lawyers, the brokers and the bankers—in short, all sorts of trades and professions—organize for their own protection. Everyone knows how doctors and lawyers regard those members of their profession who will not be bound by their rules as to charges, advertising, and generally such conduct as they term the ethics of their professions, which in its last analysis is the establishment of such rules and regulations as, in their opinion, tend to the improvement of their own condition. Of course, doctors and lawyers, like trade unionists, will stoutly insist that these rules and regulations benefit the public more than their own craft or profession. Perhaps this is true, but, whether true or not, the instinct of self-preservation causes each member to regard one who wilfully stands outside as an enemy to his craft.

But the law has never said that even theoretically a man has any such inalienable right. A man's right to work, like every other right, has always depended upon what he does and how he does it. In short, as to whether his means of exercising this right conforms to the public good. Long since the United States excluded the Chinese from America and forbade employers from going to any foreign country and contracting to bring labor here. This rests upon one principle alone, that the maintenance of a certain grade and scale of living compensation for labor is vital to the interests of our people, and that the protection of workingmen in this rate of wages is the protection of the land. If it is right to protect American workmen against the cutthroat competition of Chinese and foreign contract labor, then the same logic makes it right to protect them against unjust competition at home, against the aggressions of the vicious workman, the ignorant workman, the weak workman, the woman and the child. It matters not whether lawmakers have ever carried legislation to this point. The reason for the one is the same as the other, and the workman has the same right to make his own rules and regulations and to protect it by contract in the one case that he has in the other.

But the law which has never been overfriendly to labor has gone much further and has recognized every principle for which the union contends in the closed shop. The right to legislate as to the sanitary conditions of shops and factories, safety of railroad equipment and appliances, hours of work of women and children and even men, and especially conditions in dangerous trades and callings has

long been recognized and approved, and without this right the master would be left with the unrestricted power to maim and kill, to possess and destroy and starve, provided he could find men, women and children so weak and helpless that they would choose the hazardous employment rather than be left without work.

The old doctrine of the unrestricted right to buy labor in the cheapest market, unfettered and unhindered by any conditions of sanity, safety or humanity has long been obsolete in every civilized land. Most countries have gone so far as to protect even animals against abuse and overwork and underpay. Whether man would need this protection if natural opportunities were free and he could exercise his vaunted inalienable right to work, is not worth the while here to discuss. Man has not a right to apply his energy to the bounties of nature until the master gives him a chance to work, and so long as this right is so monopolized that he must look to the employer for a job he is forgetful of himself and recreant to his class, if he fails to impose all reasonable restrictions and conditions, and exact all just terms in the service that he sells.

It is one of the fundamental principles of trade unionism that each member is responsible for his brother's condition. The duty and concern of the union is to preserve the rights of its humblest member. This it cannot do without an organization of men who are ready and willing to stand or fall together.

That each is responsible for the rest is not a maxim that trade unionism alone has laid upon its members. The law has enforced this responsibility on workmen, sometimes to the

most unjust and unreasonable degree. The employer insists that he has the absolute right to employ and discharge at will, and yet the courts always insist that every workman is responsible for the negligence and lack of skill of his fellow workmen, and if he is not satisfied to assume this burden, he must quit his job. The land is full of cripples and widows and orphans whose injuries were caused by the negligence of a fellow servant, whom the employer forced upon the workman. And the courts have turned out these cripples and widows and orphans without redress upon the theory that each workman was responsible for his fellow. In a railroad employing fifty thousand men, each workman cannot personally know all the rest, but so long as the courts have said that they must be responsible for their conduct they certainly have a right to say that they will work only with men who have enough regard for their fellows to join them in a labor union for their self-defense.

The position of trade unionism as to the open shop, as well as to most other questions, is generally misstated and never understood. Of course, the union has no power or right through force and violence to compel the employer to hire only union men. All they can do is to say that they will not work for anyone who employs non-union men either directly in his factory or mill, or indirectly by the material with which he works.

The right of the union to take this position is a question of ethics, not of law. There can be little doubt of the legal right of a workman to refuse to work for any employer for any cause, good or bad, that is sufficient to himself. While it is possible that here and there some

judge may have denied this right, these are very few and far between. The courts have uniformly decided that employers may refuse to hire union men and may even boycott union men and send them out to tramp from state to state in search of work, and there can be no doubt of the right of workmen to refuse employment where non-union men are put by their side.

The question, then, is purely one of ethics and of union policy, which latter question is in the province of the organization alone.

One of the chief objects of the trade union is to form such a complete and perfect organization of its craft that through their officers and agents they will be able to make a collective bargain with their employes. To do this the craft must have such a large proportion of organized men as to make it impossible, or, at least, undesirable for the employer to deal with individual men. That employers always choose to deal with individuals, except where the strength of the union compels its recognition, is proven by the whole history of trade unionism. From the time when the employers were able to make laws absolutely forbidding unionism down to the present day every device and means have been resorted to that an individual workman should be obliged unaided, to make terms with his employer, or, rather, to accept such terms as the master saw fit to impose. The acceptance of collective bargaining by employers in the first instance has always been strongly against their will. This has been fought as every new privilege and right gained by the common people has ever been contested by the ruling class.

But when full recognition of the union has been granted in good faith; when the employer

concedes the right to organize, the right to representation, the right to collective bargaining, then there can no longer be any reasonable or honest objection to the closed shop on the part of the employer. Of course, if the union is narrow and exclusive and fixes hard or unreasonable terms of membership or harshly and unjustly limits apprentices so as to work a hardship to the laboring class, then the workman has the right to object. Doubtless, in the history of trade unionism this has many times occurred, but it is not in line with its principles and policies, and has no necessary connection with the closed shop. The rule of trade unions is to urge all members of the craft to join on the easiest terms. No doctrine, or creed, or condition of any kind is required or imposed—except allegiance to the union and a purpose to stand together in making contracts, and fixing terms and conditions for the service of its members. Of course, too, it must be assumed and agreed, as is always the case, that the union shall at all times be able and ready to furnish a sufficient number of competent workmen, on the agreed terms, to meet the employers' desires. The master does not need to employ any man who comes, he may pick and choose according to his will, subject only to the condition that he must have union men.

The battle waged by trade unions to gain and keep some independence for the workmen has been long and costly, and their rules and regulations have grown from the hard and bitter experience they have passed through. The novice is always ready to criticize every business he does not understand; any person not familiar with the running of trains can readily see how unreasonable are the rules laid

down by the railroads charged with the lives and safety of their patrons. A closer examination and a better knowledge shows how most of these rules, at least, are not only reasonable and just but essential to the safe conduct of the road. So the novice, especially the prejudiced novice, finds the rules and regulations of trade unions arbitrary, senseless and unjust. A closer study would show them how all of these have arisen from the necessity to meet conflicting interests and a wily enemy ever on its guard. For the history of trade unionism, as, in fact, the history of the rise of the common people toward the measure of independence they now enjoy, is one long tale of struggles, defeats and victories, and every single step in their progress has been against the most stubborn opposition and at the greatest cost.

The demand for a closed shop is nothing but the means that experience has shown is essential to protect the liberty they have won and give some vantage ground for other triumphs yet to come.

To establish a trade agreement, a recognition of the union is a most important step, but to protect it when established is of no less concern. The enemy is ever busy, always resourceful and ready to attack directly or indirectly, plainly or covertly, fully or in detail, and the army of trade unions must carefully guard each point that might be subject to attack. The so-called open shop furnishes the best possible means to drive the organization from every point of vantage, and in the end to disrupt and destroy. The closed shop is the only protection of unionism for its trade agreement and the defense of its individual men.

The master always claims the right to hire

and to discharge as he sees fit. This is one of the privileges of being a master. The master can choose his man, but all men cannot choose their masters. This does not come from an agreement alone, it comes from the facts of life. The master can afford to wait, he is not dependent on this man or that. The man must have his job—he cannot wait. So long as the master has the power to hire and to discharge, human nature dictates that he discharge those who for some reason he does not want, and that he hire those whom he desires. The men he does not want are the ones who are hostile to his interest, who interfere and hinder and hamper in his one desire—the making of profits for himself The men he especially does not want are the union men, always the most courageous, the most independent, the most insistent on their rights. And of the union men, those who are the most active, the officers and the agitators, are always marked to "walk the plank." The master is not bound to give excuse. It is his to command; he dismisses the man, because he does not want him. Even if he found it best to give a reason, it is always easy to find a reason for anything you really want to do. No man can long serve any employer without making some mistake; errors of judgment and mistakes are inherent in the nature of man. For instance, a motorman cannot long run a car in a crowded street without accident. For accidents are the common lot. But the mistake of the one servant is overlooked and that of the other met with instant dismissal. The open shop means only an open door through which to turn the union man out and bring the non-union man in to take his place. This is not theory. The history of unions has shown it over and over for

so many years that even the novice knows that his bread is in constant peril in the open shop. Not only does this system furnish the opportunity to destroy the union by the discharge of its members, but the menace is ever present like a sword above the victim's head. He knows that his job may be and often is dependent entirely upon his lack of interest in the union, which to him is all important, both to himself and his fellow workmen.

But aside from the question of direct discharge, the open shop is full of annoyance and danger for the workman. Every man desires to do the best he can. He looks for the largest returns for the smallest exertion of energy and strength. In any great institution there are many places of vantage; many jobs that are easy and many more that are hard. Here the employer, or, more often, the boss, has an immense leverage upon his men. As a general rule, the boss is more feared than the employer himself. His term of service depends on the good will of the employer, and his interest is ever leading him to truckle to all of his master's feelings and desires. The employer does not want the union, the boss simply hates the union; thus the promotions, the easy places, the favors, all fall to the non-union workmen, whose presence and whose attitude are ever helpful to the employer and a menace to his fellow workman. If someone is to be relieved for a day, if a laborer is given extra work, if a workman is specially commissioned for an important duty, and if someone is to be promoted it is always the non-union man. This is his reward for minding his own business. In other words, being unfaithful to his class. Union men are much like other men. They cannot long be persuaded to pay dues, to make

sacrifices for their organization, when they find that others are favored or promoted over them, or receive special privileges because they are non-union men.

The very reason that keeps men from joining the unions of their craft makes them more servile and cringing to their employer; makes them ever subservient to his demands. They have learned well the lesson of the masters that to thrive you need only work hard and do all in your power to get the good opinion of your boss. So this class is ever ready to submit to encroachments; to take longer hours; to consent to poorer conditions; to make no trouble over unsafe tools, and to even let their wages be reduced. If women are employed to take the place of men, and children in turn drive the women out, this is no concern of theirs. Perhaps from their families they may be even able to furnish the women and children to do the work.

It is not so very long since a large part of the coal of England was mined by women, since they were even harnessed to coal cars down deep in the earth, and on their hands and knees drew cars of coal from the darkness up to the point where they were relieved by mules. It is not long since little children from 8 years of age were placed in these mines with their fathers and mothers and were penned in the constant whir and din of the spinning wheels of England for ten, twelve and even fourteen hours a day, and it is due to the trade unionism of England that these inhuman conditions are gone forever. But every step of advance was stubbornly fought by employers who violently contended that not only their fortunes. but the safety and glory of the British empire rested upon the unpaid labor of these helpless

slaves. And if trade unionism today should flag or grow grow weary, should hesitate and falter, should give up its demands for the recognition of its union, its collective bargains, and its closed shop, if the field should be abandoned to the employers and their agents the great sea of weak and helpless men and women and little children would sweep away the industrial conditions that organized labor has won through its devotion and its struggles, and America would live over the dark industrial history that England passed through.

It will not do to say that employers are too wise and too humane; they are employers and are victims of the markets in which they buy and sell. The market is not patterned from the best employer, but is as stupid and brutal as its worst.

To prevent trade unionism from being conquered in detail; to save its members from being thrown out of the open door to make room for the servile and the weak; to maintain in shop and mill the best conditions that unionism has won, and to look forward to others better still; to save the workman from his once long hours of toil and to provide a day shorter yet, needs every effort of every union man, and without the right to protect themselves by refusing to work with those whose weakness or stupidity makes them recreant and unfaithful to their class. trade unionism can neither hold that which it has won nor look forward to greater victories still.

But aside from the constant aggressions of the employing class trade unionism cannot be true to its own members without the right to demand the closed shop. The expenses and burdens of the union are no small item to the

member who receives but little pay for the work he does. As a price for the protection of the union the members must give up their earnings to support the organization; they must be ready and willing to contribute to any brother on a strike or in need of help; they must be ready at a minute's notice and at whatever inconvenience and *sacrifice* to self and family to lay down their tools and go out on a strike—a strike always doubtful, dangerous and uncertain; a strike which may be for someone else, and over no grievance of his own; a strike which may bring victory, and again may mean not only failure to accomplish the desired result, but the loss of his job, his means of life. It may mean even the blacklist that shall send him branded up and down the land, with no chance to earn his bread.

All these chances and dangers, not less than those of a soldier on the field, the trade unionist assumes for his devotion to his cause and his faith that united action and unbounded loyalty is the duty of every member of his craft. That his devotion through all the years has brought labor no mean reward, and through labor and the humanizing condition for which trade unionism has ever stood brought strength and greatness to the race, is as much an established fact as the effect and influence of a religion or any other social movement of the race.

The dangers that the unionists have encountered, too, have come ever from the non-union workman, who not only refuses to unite with him, but often joins the enemy at the most critical time and gives his energy and his labor to defeat his class. And the hard won victories of unionism have been won, not only in open

contest with the employer, who might be supposed to be on the other side, but have been won against the cowardice and treason of these same non-union men.

But however the non-union man may join the enemy to defeat shorter hours and better wages, when he has lost his fight and the unions have triumphed, he is always the first man to demand the rewards of another's efforts and to profit by the courage and devotion of the men he did his best to defeat and to betray, and the employer, too, realizing that this man has given all the aid he could, is ever ready to pay him for his disloyalty to his class. In the heat of the contest the employer gladly gives this workman more than the union demands, and when the fight is over, of course, places him on at least equal terms.

If the man who not only refused to help, but joined the enemy in time of war, shall be allowed, without danger or cost, to reap the fruits of the union's victory, then few men will be found who will assume the danger and the cost. If the rewards of victory can come to him who made no efforts and took no risk, but profits from the privation and suffering of his fellows, then most men will prefer to take that course. To say that the fruits of victory should come without effort, nay, as a reward for cowardice and disloyalty, is neither right in the realm of ethics nor in the practical work-a-day world.

The reward is for the men who have borne the heat and burden of the day, and unless it shall be reserved for them and those whom they wish to aid, there can be no reason for sacrifice and no reward for fidelity. Men may willingly, even cheerfully, work for the weak

and humble, for those not able to protect themselves, but it is asking too much of human nature to require that they shall brave disaster and defeat for the enemies who seek to undermine and destroy their cause.

No one claims that all trade unionists are wise or even honest, much less that they have not made endless mistakes in the past and will not continue to err while time shall last. Neither is trade unionism an ideal institution. It was evolved to serve a purpose and to perform a duty in the upward march of the human race. It was made to fit a condition of society divided into the employing class and the serving class. Its mission is to protect the weak against the strong. In the great industrial strife that has come down through the ages and which will prevail until the capitalist and the laborer are one, trade unionism has fought the battles of the workman. And in fighting for the wage-earner it has fought for greater liberty to man. War and strife are not ideal states, but they have been ever present with the human race, and so long as the war of classes shall continue, the weak and helpless must ever look to trade unionism as its chief champion and its most powerful defender. But when its work is done, and class struggles are at an end, trade unionism will be no more. Then all men will be brothers and the highest good of all will be the fond desire of each.

E. HALDEMAN-JULIUS
Editor
LITTLE BLUE BOOKS

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An Eye for an Eye

Clarence Darrow

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AN EYE FOR AN EYE

I

WHEN Hank Clery left the switch-yards in the outskirts of Chicago he took the street car and went down town. He was going to the county jail on the north side of the river. Hank had never been inside the jail though he had been arrested a number of times and taken to the police court, escaping luckily with a small fine which his mother had contrived to pay. She was one of the best washerwomen of the whole neighborhood, and never without work. All the officers knew that whenever Hank got into trouble his mother would pay the fine and costs. Hank had often been arrested, but he was by no means a bad fellow. He lived with his old Irish mother and was very fond of her and often brought his wages home if none of the boys happened to be near when the pay-car came around. Hank was a switchman in one of the big railroad yards in Chicago. Of course, he and his companions drank quite a little, and then their sports and pastimes were not of the gentlest sort; for that matter neither was their work—climbing up and down running cars and turning switches just ahead of a great locomotive and watching to make sure which track was safe where the moving cars and engines were all around—did not tend to a quiet life. Of course, most people think that no man will work in a switch-yard unless he drinks. Perhaps no man would drink unless he worked in a switch-yard or some such place.

Well, on this day Hank was going to the jail, not on account of any of his own misdeeds, but on an errand of mercy. The night before, the priest had come to Hank's home and told him that his old friend, Jim Jackson, had begged for him to visit the jail. Hank at first refused, but the priest told him that Jim had no friends and was anxious to have a few minutes' talk with him before he died; Jim had some message that he wanted to give Hank that he could not leave with anyone else. Hank knew that Jim was to be hanged on Friday, and he had thought about it a good deal in the last few days and wished that it was over. He had known Jim for a long time; they had often been out together, and sometimes got drunk together. Jim once worked in the yards, but one night one of the other boys was struck by the Limited as it pulled out on the main track, and Jim and Hank gathered him up when the last Pullman coach had rolled over him; and after that Jim could never go back to the yards; so he managed to get an old horse and wagon and began peddling potatoes on the street.

One evening Hank took up the paper, and there he saw a headline covering the whole page and a little fine print below telling how Jim had killed his wife with a poker. Hank did not understand how this could be true, but as the evidence seemed plain he made up his mind that Jim had really always been a demon, but that he had managed to

keep it hidden from his friends. Hank really did not want to go to the jail to see Jim; somehow it seemed as if it was not the same fellow that he used to know so well, and then he was afraid and nervous about talking with a man who was going to be hanged next day. But the priest said so much that finally Hank's mother told him she thought he ought to go. So he made up his mind that he would stand it, although he was a great deal more afraid and nervous than when he was turning switches in the yard. After the priest left the house Hank went down to the alderman and got a pass to go inside the jail. He always went to the alderman for everything; all the people thought that this was what an alderman was for and they cared nothing about anything else he did.

When Hank got down town he went straight across the Dearborn Street bridge to the county jail. It was just getting dusk as he came up to the great building. The jail did not look a bit like a jail. It was a tall grand building, made of white stone, and the long rows of windows that cover the whole Dearborn Street side looked bright and cheerful with the electric lights that were turned on as Hank came up to the door. If it had not been for the iron-bars across the windows he might have thought that he was looking at a bank or a great wholesale warehouse. Hank stepped into the large vestibule just inside the shelter of the big front door. Along each side was a row of people sitting on benches placed against the wall. He did not wait to look closely at this crowd; in fact, he could not have done so had he tried, for Hank was no artist or philosopher and was neither subtle nor deep. He saw them just as he would have seen a freight car stealing down the track to catch him unawares. He did notice that most of these watchers were women, that many of them were little children, and that all looked poor and woe-begone. They were the same people that Hank saw every day out by the yards, living in the rumble of the moving trains and under the black clouds of smoke and stench that floated over their mean homes from the great chimneys and vats of the packing houses. Most of the women and children had baskets or bundles in their arms, and sat meek and still waiting for the big key to turn in the great iron lock of the second door.

When Hank went up to this door someone inside pushed back a little slide, showed his face at the peep-hole, and asked him who he was and what he wanted. Hank shoved the alderman's letter through the little window and the door opened without delay. This was not the first time that the gloomy gate had turned on its hinges under the magic of that name, both for coming in and going out.

Inside the little office was the same motley, helpless crowd of people, the same sad-faced women and weary children standing dazed and dejected with their poor baskets and bundles in their arms. Some were waiting to be taken through this barred door, while others had just returned and were stopping until the turnkey should open the outside gate and let them go.

In a few minutes a guard came to Hank and asked if he was the man who brought the alderman's note. On receiving the reply, the guard told him that the alderman was all right and it was worth while to be his friend. That was the way he got his job and he always stuck

by his friends. Then the guard unlocked another door and took Hank to the elevator where he was carried to the fourth story. Here he was let off on an iron floor directly in front of a great door made of iron bars. The turnkey quickly unlocked and opened this door and let Hank and the guard into what seemed a long hall with iron floor, ceiling and walls. Nothing but iron all around. Along one side of the hall were more iron bars, and a wire netting ran from the ceiling to the floor. Along the whole length of this wire netting was a row of the same kind of people Hank had seen below. They were packed close to the grating, and crowding and pushing to get up to the screening. Most of these were women, here and there one of them holding a little child by the hand and one with a baby in her arms. On the other side Hank saw a row of men pressing just as closely to the netting, most of these looking pale and ill. The evening was hot and not a breath of fresh air was anywhere about. The peculiar odor of the prison, more sickening that the stock yards stench which Hank always breathed, was so strong that he could not tell whether he smelled it or tasted it.

The guards were rushing noisily around among the visitors and inmates, passing bundles and baskets out and in, calling the names of the prisoners to be taken from their cells inside and brought down to the wire netting to get a glimpse of some relative or friend. Hank was bewildered by it all and for a few minutes stood almost dazed, wondering what it meant and what good purpose it all served.

Next to him stood a woman, perhaps forty years of age; in one hand she held a basket, and by the other the hand of a little girl about nine years old. The woman was dressed in a loose, ill-fitting gown and on her head was a black sailor hat. Behind the wire screen was a man of about her own age. He wore only black trousers, suspenders, a grayish woolen shirt and old shoes. The man and woman stood with their fingers touching through the netting. Hank heard the man say that he did not know what to do, that the good lawyers charged so much that he couldn't have them, and the ones who came to the jail did more harm than good. It was funny that you couldn't do anything without a lawyer. One of the prisoners, who was a smart man and had been there a good many times, had told him that the best way was to plead guilty and ask the mercy of the court; that he thought the judge might let him off with a two hundred dollar fine—"you know the State's Attorney gets the money." Hank heard the woman answer that maybe to pay the fine was the best way after all; as soon as he was arrested she took Gussy out of the high school, and Gussy was now working in the department store and thought Aggie could get in as a cash girl; of course Aggie was too young, but still she was pretty large for her age and might get through, as Gussy knew the floorwalker very well—he stopped at the house to visit one evening that week and was real nice.

"I've been scrubbing in the Masonic Temple nights, but it's pretty hard work and I am getting so large I am afraid I can't keep it up much longer. You know I'll be sick next month. There are a few things in the house yet and I might get a little money on them, and then there are the Maloneys next door; you know we were always fighting, but after you went away they seemed kind of sorry and

have been awfully good to us, and I think they might help us a little, although they haven't got much themselves——"

Hank couldn't stop to hear all they said, and besides he felt as if he had no right to stand and listen, so he let his eye wander on down the line. Just beyond he saw an old bent, gray-haired woman with a long black veil and spotless black gown. She was crying and talking to a young man inside the grating. He heard her ask, "How could you have done it?" and heard him answer, "Mother, I don't know, but somehow I didn't seem to think about it at the time." Just beyond were a man and a woman and it was so hard for them to get close to the screen that the man held a little baby up in his arms to look over the people in front. The child looked in wonder and then held out its hands and shouted with delight, "Mamma, there's papa. Papa, have you been here all the time? Why don't you come back home?" Young girls, too, pressed closely up to the screen, each with that look at the youth inside that neither the wise nor the foolish have ever failed to understand. The prison bars and the laws that placed their lovers outside the pale had no power to change their feeling, only to deepen and intensify their love.

While Hank stood in the corridor a number of men called from the inside: "Pardner, have you got any tobacco?" Hank hastily gave away all he had, and thought that if he should ever come back he would buy as much as he could before his visit. But his musing was soon interrupted by the guard tapping him on the shoulder and telling him he was ready. Then another turnkey opened a barred door and let him inside the wicket. Here he stood in a narrow hallway with still another big locked door in front. Soon this was swung open, and at last Hank stood inside the bars and the nettings with a great throng of coatless, hatless men all talking, laughing, chewing and smoking, and walking by twos and threes, up and down the room. Hank had always supposed that these men were different from the ones he knew and had fancied that he would be afraid to be with such a crowd, but when he got inside, somehow he did not think of them as burglars and pickpockets; they seemed just like other men, except that they were a little paler and thinner and more bent. Some of these men spoke to Hank, asking him for tobacco or for money. He saw one man whom he knew very well, one of his neighbors that he supposed was out of town; and he quickly noticed that this man tried to keep out of his sight. Hank had never thought that he was bad, and could not but wonder how he happened to be here.

Hank looked around for Jim, but was told that he was upstairs locked in his cell. The guard explained that the death-watch had been set on him and that for some time no one had left him day or night. He was to be hanged in the morning before sunrise. He himself had gone around that day and handed written invitations to the judges to be present. Some of them had asked him whether they could get in a few friends who wanted to go and see the hanging. The guard said they had over a thousand applications for tickets; that it was one of the most popular hangings they'd ever had in the jail. He supposed this was because Jackson had killed his wife and the newspapers had said so much about it.

He could not help feeling sorry for Jackson. Of course, he supposed he was awfully wicked or he wouldn't have killed his wife, but since he had come to know Jackson he had found him a perfect gentleman and very kind and obliging, and he acted like a good fellow. It really seemed kind of tough to hang a man. He had seen a good many men hung and was getting kind of tired of it. He believed he would go out in the country fishing somewhere tomorrow instead of staying to see it done. They never needed so many guards on that day because all the prisoners were kept locked up in their cells.

As Hank went along, the guard chatted to him in the most friendly way. He pointed over to the courtyard where there were some long black beams and boards, and said that was where they were going to hang Jackson, that the carpenters would put up the scaffold in the night. The murderers' row where Jim was kept was around on the side where he couldn't see the carpenters put up the scaffold. It used to be right in front but it had been changed. The guard said he didn't see much difference, because the men could hear it and they knew just what it was, and anyhow they never could sleep the last night unless they took something. He told Hank that after they got through he would take him down to the office and show him a piece of the rope that they used to hang the Anarchists, and the one they used on Pendergast, who killed Carter Harrison, and the one they had for the car-barn murderers. It was the very best rope they could get; some people wouldn't know it from clothes-line but it was a good deal finer and more expensive.

The guard said it was strange how these men acted before they were hanged.

"You wouldn't hardly know them from the prisoners who were in jail working out a fine," he explained. "They don't seem to mind it very much or talk about it a great deal. Of course, at first they generally kind of think that the Supreme Court is going to give them a new trial; their lawyers tell them so. But half the time this is so that their friends will get more money to pay for carrying the cases up; though I must say that some of the lawyers are good fellows and do all they can to help them. Sometimes some of the lawyers that have the worst reputations are really better than the others. Then after the Supreme Court decides against them, they have a chance to go to the governor and the Board of Pardons. Of course this isn't much use, but somehow they always think it will be, and the case is never really decided until the last day and that kind of helps to keep them up. Now, there's Jackson; I took him the telegram about an hour ago and he read it and it didn't seem to make much difference. He just said, 'Well, I s'pose that's all.' And then he picked it up and read it again and said, 'Well, the lawyer says he's going back to the governor at midnight. Something might happen then; will the office be open if any telegram comes?' I told him that it would and he says, 'Well, I presume that it's no use; but where there's life there's hope.' I s'pose the lawyer just said that to kind of brace him up and that he took the night train back to Chicago, but I didn't tell Jim so. Well, anyhow, I'm going to see that he has a good breakfast. We always give 'em anything they want, either tea or coffee, ham and eggs, bacon, steak,

beans, potatoes, wheat cakes and molasses, almost anything you can think of. Of course most of 'em can't eat much, but some of 'em take a pretty big breakfast. It really don't do any good, only the taste of it goin' down; they are always dead before it has a chance to digest. A good many of 'em feel rather squeamish in the morning and drink a good deal before they start out. We always give 'em all they want to drink; most of 'em are really drunk when they are hung. But I think that's all right, don't you? There were some temperance people once that made a row about it, but I think that's carrying temperance entirely too far myself.

"Well, I didn't mean to gossip with you so much, but I thought maybe you would like to know something about it and so long as the alderman sent you over I wanted to do all I could for you. Give my respects to the alderman. I guess he'll be a candidate next spring. He says he won't, but I think he will. He always knows what he's doing. All he wants is to throw them reform guys off the track. They might know that they couldn't beat him. Our people out there don't care anything about municipal ownership and Civil Service Reform, and things like that. What they want is turkeys on Thanksgiving and to be helped out of the lock-up and pardoned out of the Bridewell and found jobs. That's what they want, and there ain't an alderman in town that tends to the business of his ward better than ours, and we don't care whether the railroads and gas companies give him money or not. We don't expect him to work for nothin' and don't want him to; and what do we care about the streets? None of us has horses and the fellows that wants 'em ought to pay for 'em. Well, here's Jackson, and I'll tell the guard to let you stay with him all you want to; he's a good fellow and will do what I want. You can say anything you please to Jackson and he can talk to you all he wants to; the guard won't listen if he knows you're all right, but it isn't any more than fair, anyhow, for this is his last night."

Hank listened to the guard without being impatient for, in the first place, he felt as if he had made a new friend, and he liked him; he was such a good talker and told him so much that was new and he didn't seem the least bit stuck up, although he had such a good job. Then all the time he felt nervous and uneasy about meeting Jackson; the Jackson he knew was not a criminal but a good fellow who used to play pool and drink beer and go to primaries, while this man was a murderer who was to be hung next day; then again he didn't seem a real man, but a sort of ghost, so that Hank had a good deal the feeling he used to know as a child when he went past a graveyard, or that he felt in a morgue, or when he went to look at some dead friend.

When he came up to the cell Jackson was smoking a cigar and talking with the guard. At the first glance the uneasy feeling passed away. It was the same Jim Jackson that he knew, except thinner and paler than when he saw him last. Before the guard had time to speak Jackson reached out his hand, smiled and said "Hello, Hank, I'm awful glad you came. I've been looking for you all the afternoon." Hank took his hand without the least feeling that it was the hand of a murderer. It was only the old friend and comrade he had known.

The guard unlocked the door and told Hank to go in. Then he said:

"Now, you folks talk all you want to. I won't hear a single word you say. I'll sit out here and if there is anything I can do, let me know."

Hank went into the little cell. On one side was an iron shelf and on this a straw tick and some bed clothing. A little wash-stand and slop-pail stood in one corner, a chair was near the stand, and a few pictures taken from colored supplements were on the white walls. The guard handed in another chair and the two friends sat down. At first there was a short, painful silence. It was plain that both had been thinking what to say and neither knew just how to begin. Hank had thought that he would ask Jim how he happened to kill his wife; he thought he ought to talk with him and tell him how terrible it was. He believed that perhaps this was his duty toward a fellow-being standing so near the presence of his Maker. Then, too, he had the feeling that unless he really told Jim what he thought about his crime, it would be almost the same as being an accessory to the act. In fact, when Hank was going to the jail he had a vague idea that his only right to visit Jim was to preach to him in some way. He would almost have thought it a crime to meet him on equal terms.

After they sat down Jim was again the first to speak. "My room here's pretty crowded but I guess it'll do for tonight. Make yourself just as comfortable as possible for I'd like to have you stay with me as long as you can. It's a little lonesome you know. The guard's a good fellow. He visits with me every night and is as friendly as he can be. He told me that he was in jail himself once for burglary, but you mustn't say anything about it. His lawyer got him out, but he says he was really guilty. That was a good many years ago. He says he believes if he had gone to the penitentiary he would never have amounted to anything, but as soon as he got out of jail he turned over a new leaf and made up his mind to make something of himself, and just see where he is now. He is an awful kind fellow. I know he feels sorry for me. He gives me all the cigars I want and all the privileges he can. There's a guard here in the daytime that I don't like; he was appointed by the Citizens' Association. He's strict and awful good. He's always asking me questions about myself, says he's getting statistics for the association. He seems to think that it must have been whisky that made me do it, and he gives me tracts; of course that's all right, but still you'd think that once in a while he'd say something else to a fellow, or at least give him a cigar. Some way he don't seem to have any feeling. I s'pose he's a good deal better than the other guard but I don't like him near so well.

"But that wasn't what I got you here for. I really wanted to talk with you. You see no one that I knew has been to see me since I came. I don't s'pose I ought to expect they would. I used to know a good many fellers who went to jail but I never went to see 'em. I always kind of thought they wa'n't fit for me to associate with, and I s'pose that's the way most people believe. But since I came here somehow it don't look quite the same. Maybe that's on account of what I done. I told the priest I thought you'd come because we was always

such good friends, and he told me he would go and see you. He's been awful good to me although I never went to church any when I was out. He talks to me as if I was just like other people. Of course he tells me I done wrong, and I know I did, but he don't tell me as if I was the only one that ever done wrong, and as if he and everyone else was so much different, and as if he couldn't see how I done it. He talks just as if my soul was worth as much as anybody's and as if I'd have a better chance afterward than I ever had before. Anyhow he's done me lots of good and I honestly believe he's made me a better man, and if I only had a chance to do anything now I'd amount to something; but of course I can't. But still, I wanted to tell you a few things that I couldn't even tell him, for you know that, no matter how good he is, he somehow seems different from you; you know I kind of feel as if you was just like me. You'll excuse me, I know, for saying this, bein' as the time is so short.

"You remember about my boy. Now of course I always was a rough fellow and never did quite right ever before that, but still I guess you know I always loved that kid. Strange thing, he'll be four years old tomorrow on the very day—well, poor little fellow, I hope he don't know nothing about it. You remember the time that kid had the croup and how we thought he couldn't get well, and you know I went down to the yard to tell you about it and how bad I felt. I almost wish now he'd died, but maybe that's wicked and God will take care of the kid better'n he did of me. Well, I haven't heard a word about that boy since I came to the jail, or since I left him at the house that night, except a little bit in court and what that good guard says. He kind of holds out that he's in some kind of an orphan asylum where he's gettin' plenty to eat and where he'll learn what's right and wrong, and be a good man, and that's all right, but I'd like to know where the kid is. He says if I thought so much of him I ought to have showed it before, and I s'pose I ought; but I did think lots of him; just as much as them rich folks think of their boys. I want him to be taken care of and to be educated and grow up to be a good man, and maybe it's a good deal better if he never knows anything about his father, but somehow I can't help wantin' him to know who I was and don't want him to think of me just like the newspapers and everybody else does. I wouldn't want him to grow up like that guard, even if he is real good. And you see there wa'n't any one but you that I could send for and tell them just how it all happened. No one yet has ever known how it was, and everybody says I was to blame and that I'm a demon and a monster, and I thought maybe if I explained the whole thing to you, just as it was, you could see that I wa'n't so much to blame; anyhow that there was some excuse for what I done, and then some time when the boy's growed up he'd know that I wa'n't so bad as everyone says I was.

"Of course I know you can't, for I know you're poor like me, but so many times when I thought about the boy I thought that maybe you and your mother might raise him just the way I would have done; and then your mother was always so good to all of us. I remember how she used to raise the little geese down along the canal if anything happened to the old goose; don't you remember

about that? My, but them was fine times, wa'n't they? Of course if you could do it I don't know but the alderman would help you; anyhow he'd get free books and clothes off'n the county when he went to school. How are politics up in the ward? Is he goin' to run again? I never hear anything only what I get out of the papers and they're all against him, but I think he'll show 'em yet. Wish I was out so I could help. But I must go on with what I brought you to hear. I'm goin' to tell you the whole story just exactly as it is, and you know that I wouldn't tell you a lie tonight with what they are goin' to do in the mornin'. I can't make you understand unless I commence clear at the beginnin', but I know you won't mind, seein' it's my last time."

II

YOU know I was born in Chicago and never was out of it but once until the night it happened. I don't know anything about my father and mother except what my aunt told me. You know she raised me, and I can't make any complaint about the way she done it. I was real small when I went to live with her. She stayed all alone down on the canal. I guess you knew me when I was livin' with her. She worked hard, but, of course, ladies of that kind don't get much. She used to go over to the south side to do washin' and to clean houses, and things like that, and sometimes when I was small she took me along. They were awful nice houses where we went. That's how I got to know so much about the way rich people live. When I got bigger, she used to send me to school. I was pretty steady in school and got clear up to the sixth grade. I know it must have been awful hard for her to send me the way she earnt her money, but she seemed to think as much of me as if I'd been her own boy. She could have got along better, but every time she got five or ten dollars laid up it seemed as if there was a funeral of some of the neighbors and she had to club in and hire a carriage, and that took her money almost as fast as she could earn it.

"You remember how we used to play around the canal in them days. It smelled pretty bad but we didn't seem to mind it much. We used to sail boats and go in swimmin' and catch frogs and do 'most everything. There was quite a gang of us boys that lived there. It don't seem as if any of 'em ever amounted to very much. Most of 'em are in the stock yards or switchin' or doin' somethin' like that. The only ones that I can think of that growed up down there and amounted to anything is the alderman and Bull Carmody, who went to the legislature. They call both of 'em Honor'ble, you know. I guess anybody is honor'ble who ever had an office or tried to get one. Us boys used to get arrested quite a good deal. Of course we was pretty tough, you know that. We was always in some devilment. All of us rushed the can and chewed tobacco; then we fought a good deal and used to play 'round the cars. Some of the boys would break into 'em; but I never stole anything in my life unless you count coal off'n the cars, and I don't know how we could have got along in the winter without that. Anyhow I guess nobody thinks anything of stealin' coal off'n cars.

"But I don't s'pose there's any use goin' over my whole history. I don't know as it has anything to do with it anyway, only it kind of seems to me that I never had a very good chance and as if mebbe things would've been different if I had.

"Well, you remember when my aunt died I had got to be about fourteen. Then I found a job out to the stock yards. I never liked that work; I used to see so much killin'. At first I felt sorry for the the cattle and the hogs, and especially for the sheep and calves—they

all seemed so helpless and innocent—but after I'd been there awhile I got used to seein' their throats cut and seein' blood around everywhere, all over the buildings and in the gutters, and I didn't think any more about it. You know I stayed there quite a while. Then I went to work for the railroad company. First I was in the freight house unloadin' cars. This was pretty rough, heavy work, but I didn't mind it much; you know I was always kind of stout. Then I thought I'd like to work in the yards; it would give me more air and not be quite so confinin'. So I got a job as switchman, same as you. Well, you know all about that work. It ain't the nicest thing in the world to be a switchman. Of course if they'd make the couplers all alike then there wouldn't be so much danger; but you know when one of them safety couplers comes against one of the old kind that the boys call 'man killers' it's pretty dangerous business. Then, of course, when a car is run down a switch and you have to couple it onto another car just as it bumps in, it's kind of dangerous too. Of course, the rules say you must use a stick to put the link into the drawhead, but nobody ever uses a stick; you know all the boys would laugh at a feller that used a stick. There ain't nothin' to do but to go in between the cars and take hold of the link and put it in. If anything happens to be wrong with the bumpers and they slip past, of course you get squeezed to death; or, if you miss the link, or it gets caught or anything, your head or arm is liable to be smashed off. Then you've got to watch all the time, for if you stub your toe or forget for a second, you're gone. I kind of think that the switch-yards make a feller reckless and desperate, and I don't believe that a man that works in the switch-yards or stock yards looks at things quite the same as other people. Still you know them fellers ain t bad. You've seen 'em cry when they went home to tell a lady how her man had been run over, or tell some old woman about how her boy had got hurt, and you know we always helped the boys out and we didn't have much money either.

"You remember we was workin' together in the yards when the strike come on. I was in debt, just as I always have been. Somehow I never could keep out of debt; could you? The rich people say it's because we drink so much, but I'd like to see them try to live on what we get. Why, you know we hardly ever go to the theater, and if we do we go up in the gallery. I never had a job of work done on my teeth in my life except once when I paid a quarter to get one pulled. Do you s'pose any of us would ever think we could get a gold fillin' in our teeth? Now that suit of clothes over on the bed is the first whole suit of new clothes I ever had. The guard brought 'em in a little while ago, and I'm to put 'em on in the mornin'. But I guess they won't do me much good. I'd rather they had taken the money and give it to the kid for a rockin' horse or candy.

"But I was tellin' about the strike. My, the way I go on! I guess it's because this is the first time I've had a chance to say anything to anyone since it happened, and of course it'll be my last. As soon as I got back my lawyer told me not to talk to anyone, but I

don't see what difference it would have made—them detectives seemed to know everything and a good deal more, they knew more about me than I ever knew about myself.

"You remember all of us went out on the strike. I guess most of the boys was in debt, but they all struck just the same. The papers abused us and said we hadn't any right to strike; that we hadn't any grievance, and it was worse for us to strike on that account. Now it seemed to me that it was better to strike for the Pullman people than for ourselves—it didn't seem so selfish; but the papers and the judges didn't look at it that way. Of course the strike was pretty hard on all of us. I got into the lock-up before it was over, though I never meant to do nothin'. I guess I did hit a scab over the head, but he was comin' to take our job. It's queer how everybody looks at things a different way. Now I never thought it was so awful bad to hit a scab who was takin' another man's job. Of course I know some of 'em are poor and have families, but so have the strikers got families and we was strikin' to help all the poor people. If you read the newspapers and hear what the judges say you would think hittin' scabs was worse'n murder. I don't s'pose it's just right, but I don't hardly see what else is to be done. You remember that scab, don't you, that worked with us on the road, and you remember when he got his leg cut off, and how all the boys helped him, and the railroad fought his case and beat him, and yet they always seemed to think more of him than any of the rest of us. Now it seems to me there's lots of things worse'n hittin' scabs. If I was one of them packers I know I'd give a lot of meat to poor people instead of fixin' every way I could to make 'em pay so much, but the rich people don't seem to think there's anything wrong about that, but it's awful to hit a scab or to strike.

"Well, you know after the strike was over none of us could get a job anywhere, but finally I changed my name and managed to get in again. I believe the yard master knew who I was and felt kind of sorry for me. Anyhow I got the job. Then you know the time Jimmy Carroll got run over by that limited train. I sort of lost my nerve. I wouldn't have thought about it if all the cars hadn't run over him; but when we had to pick up his head and his legs and his arms and his body all in different places, I somehow got scared and couldn't switch any more. So I quit the yards. But I've been runnin' along so over things that really don't have anything to do with the case that I've almost forgot the things I wanted to tell you about. But just wait a minute; I hear someone comin' down the corridor and I want to see who it is. No, it's only one of the guards. I didn't know but possibly my lawyer might have sent—but I guess it's no use.

"Let me see; I was goin' to tell you about gettin' married. You knew her, Hank. You remember when we got a job again after the strike and you know the little restaurant where we used to board? Well, you remember she was waitin' on the table. All the boys knew her and they all liked her too; she was always real friendly and jolly with all of us, but she was all right. Of course she couldn't

have got much wages there for it was only a cheap place where the railroad boys et, but somehow she always seemed to keep herself fixed up pretty well. I never thought much about her, only to kind of jolly her like the rest of the boys, until the time she got that red waist and done her hair up with them red ribbons. I don't know anything about how it was, but them seemed to ketch my eye and I commenced goin' with her, and used to get off as early as I could from the yards, and when she got through washin' the supper things we used to go out and take street-car rides, and go for walks in the parks, and stay out late almost every night.

"Finally I made up my mind that I wanted to settle down and have a home. Of course I knew 'twould be more confinin,' but then I thought 'twould be better. So one night when we was out walkin' I kind of brought it 'round some way and asked her to marry me. I was surprised when she said she would, because she was so much nicer than me or any of the rest of the boys; but she said she would right straight off, and then I asked when it had better be and she said she didn't see any use waitin', so long as it was goin' to be done. Of course, I hadn't thought of its comin' right away, and I wa'n't really prepared because I was considerable in debt and would like to've paid up first. I told her how I was fixed and she said that didn't make any difference, that she'd always heard that two could live as cheap as one, and she was savin' and a good manager and it wouldn't cost us much to start, for she'd noticed the signs in the street cars about four rooms furnished for ninety-five dollars with only five dollars down, and we wouldn't need but three rooms anyway. Then, after I'd asked her to marry me and had made up my mind to do it there wa'n't no excuse for waitin', so the next Sunday we went over to St. Joe and got married. She asked me if I didn't think that was just as good as any way.

"When we come back we rented three rooms down near the yards for ten dollars a month, and went down to the store to buy the furniture, but the clerk made us think that so long as we was just startin' and I had a good job we ought to get better things than the ninety-five dollars, so we spent one hundred and fifty dollars and agreed to pay ten dollars a month, and the furniture was to be theirs until it was paid for.

"Well, we started in to keep house and got along pretty well at first. She was a good housekeeper and savin' and I kind of liked bein' married. Of course, it cost us a little more'n I expected, and when I came to buy clothes and shoes and pay grocery bills I found that two couldn't live as cheap as one, but I hadn't any doubt but that she thought they could. I guess all women does. Then I got hurt and was laid off for two months and couldn't pay the installments, and got behind on my rent, and got in debt at the store, and this made it pretty hard. When I went to work I paid all I had, but somehow I never could catch up.

"Well, about that time the kid was born, and then we had to have the doctor and I had to get a hired girl for a week, for I wanted to do everything I could for her, and that all kept me back. Then

they commenced threatenin' to take the furniture away, and every week the collector came 'round and I did all I could, but somehow I couldn't make it come out even.

"I s'pose you don't see what all this has got to do with my killin' her, and I don't think I quite see myself, but still I want to tell it all. Sometimes I think if I hadn't been so poor and in debt I never would have done it, and I don't believe I would. I was so much in debt that I felt sorry when I knew we was goin' to have the child. I didn't see how we could bring it up and make anything out of it, and how it could ever have any better chance than I had. And then she'd been doin' a little work to help out on the furniture, and I knew that she couldn't do any more after that. But still as soon as the child was born I was always glad of it, and used to think more about him than anyone else, and I would have done anything I could for him. She liked him, too, and was always good to him, and no matter what I say about her I can't say that she didn't treat the boy all right.

"Well, after the kid was about a year old we began to have trouble. She was always complainin' that I didn't bring home enough money. She said I went 'round too much nights and that I drank too much beer and chewed too much tobacco and smoked too much, and she complained 'most all the time, and then I got mad and we had a row. I don't mean to blame her, 'specially after what happened, and since I've been here so long doin' nothin' but countin' the days and waitin' for my lawyer to come, I've had time to think of ever'thing a good deal more than I ever did before. And I don't say she was to blame. I s'pose it was hard for her, too. Of course, the rooms was small and they was awful hot in the summer and cold in the winter, and then the collectors was always comin' 'round, and I used to be tired when I got home, and I was so blue that I said things without really knowin' that I said 'em. Ain't you done that when somebody was talkin' to you and your mind was on somethin' else, kind of answered 'em back without knowin' what they said or what you said? I presume I was cross a good many times and mebbe it was as hard for her as 'twas for me. Of course, I used to wish I'd never got married and that I was boardin' back there to the restaurant when I didn't have all the debts; and I s'pose she'd been better off back there too, waitin' on the table; anyhow she always looked better in them days than she did after we was married, so I guess she must have got more money at the restaurant than I gave her. But after the boy was born I never really wished we wa'n't married, for I always thought of him and knew he never would have been born if we hadn't got married; but of course, that didn't keep us from fightin'. I don't mean that we fought all the time. Sometimes when I got home she was as nice as she could be, and had supper all ready, and we'd read the newspaper and talk and have a real good time; but then, again somethin' would happen to put us out and we'd fight. I can't say that she always begun it. I guess I begun it a good many times. I found fault because the bills was too big and the way things was cooked, and the way she looked, and, of course, if I said anything she got mad and answered back. I've

thought a lot about our fights and that awful one we had last, and I don't believe one of 'em would have happened if it hadn't been for the money. Of course, I s'pose other people would make some other excuses for their fights and that no one would be to blame if you would let 'em tell it themselves, but I'm 'most sure that if I'd only been gettin' money enough to keep a hired girl and live in a good place, and get good clothes and dress her and the boy the way they ought to have been, and not get in debt, we wouldn't have fought.

"The debts kep' gettin' bigger all the time and I begun to get scared for fear the furniture would be took away—we hadn't paid more'n half up and then there was a good deal of interest. I went one day to see a lawyer, but he didn't tell me anything that done me any good and I had to pay him ten dollars out of my next month's wages, so that made me all the worse off. Lawyers get their money awful easy, don't they? I always wished I could be a lawyer and if I had my life to live over again I would be one if I could.

"It seemed as if things kep' gettin' worse at home and I stayed out a good many nights because I didn't want a row for I knew there'd be one as soon as I got home. So far most of our fightin' had been only jawin' back an' forth. Once she threw a dish at me and I slapped her in the face, but didn't hurt her, and I guess she didn't try hard to hit me with the dish; anyhow if she had wanted to she was near enough so she could.

"One night though, I come home pretty late. I'd been out with the boys to a caucus and we had drunk quite a bit. The alderman was running again and had got us a keg of beer. I didn't really know what I was doin' when I came in. I was hopin' she'd be in bed but she was waitin' for me when I come in and said: 'There comes my drunkard again. This is a pretty time of night to get home! You'd better go back to your drunken cronies and stay the rest of the night,'—and a lot of more things like that. I told her to shut up and go to bed, but that made her madder and then she called me a lot of names. I told her to stop or I'd choke her, but she kep' right on talkin', callin' me a drunkard and all kinds of names, and tellin' me how I'd treated her and the boy; I couldn't make her keep still; the more I threatened her the more she talked. Finally she said, 'You cowardly brute, I dare you to touch me!' and she kind of come right up to where I was. Of course I didn't really half think what I was doin', but I drawed off and hit her in the face with my fist. I guess I hit her pretty hard; anyhow she fell on the floor, and I ran up to her to pick her up, but she said, 'Leave me alone, you coward,' and then I was madder'n ever and I kicked her. The next day she went to the police court and had me arrested. The judge was awful hard on me, told me if he had his way 'bout it he'd have a law made to have wife-beaters whipped with a cat-o'-nine tails in the public square, and he fined me one hundred dollars.

"Of course I hadn't any money so I went to jail, but in a day or two she went to the judge and cried and told him I was all right when I wasn't drunk and she got me out. I never thought that judge done right to lecture me the way he did. I don't think that strikin'

your wife is as bad as strikin' your child, and still 'most everybody does that. Most women can defend themselves but a little child can't do anything. Still, of course, I don't defend strikin' your wife, only one word kind of brings on another and it sounds different in the newspaper from what it really is.

"Well, after I got home from the jail we talked it over together and made up our minds we'd better part. Things had gone so bad with us that we thought it wa'n't worth while to try any more and mebbe we'd both be better off alone. She was real sensible about it and was goin' to keep the boy. I promised to give 'em half my wages and was to see him whenever I wanted to.

"When we got our minds made up we went to see about a lawyer. She'd been goin' over to the Settlement a good deal for advice and they'd been good to us but they didn't like me; they blamed me for ever'thing that happened, and of course them settlement ladies wa'n't none of 'em married and they couldn't understand how a feller would drink or fight with his wife. They didn't know what allowance a woman has to make for a man, same as a man does for a woman—only a different kind. When she told 'em what we were goin' to do they all said, 'No, you mustn't do that. You must make the best of it and stay together'; they said that even if I promised to give her half my money I never would do it, but would go off and she'd never see me again. If they knew anything about what I thought of the boy they wouldn't have said it. Then they said it would be a disgrace and that it would disgrace the child. I wish now we'd done it anyway. It would have been better for the child than it is now. Then she went to see the priest. We were both born Catholics, although we hadn't paid much attention to it. That was the reason we went to St. Joe to get married. The priest told her that she mustn't get a divorce, that divorces wa'n't allowed except on scriptural grounds. Of course we couldn't get it on them grounds. There never was nothin' wrong with her—I'll always say that—and as for me I don't think she ever suspected anything of that kind. Even if I had wanted to I never had any money, and besides I've had to work too hard all my life for anything like that. Then when I went to the lawyer he said it would cost fifty dollars, but I hadn't any fifty dollars. So we made up our minds to try it again. I don't see, though, why they charge fifty dollars. If a divorce is right a man ought not to have it just because he's got fifty dollars when a poor man can't get it at all.

"It was a little better for a while. We both had a scare and then when we talked of quittin' I s'pose we thought more of each other. Anyhow we'd lived together so long that we'd kind of got in the habit of it. But still it didn't last long; I don't believe 'twas right for us to stay together after all that had happened and the way we felt and had lived up to that time. If we'd only separated then—but we didn't, and it's no use talkin' about it now.

"It was just about this time that Jimmy Carroll was killed and she didn't want me to work in the yards after that. She was 'most as 'fraid as I was so we made up our minds that I'd quit. It was

then that I went to peddlin'; but wait a minute before I tell that, let's go and speak to the guard."

The two men got up and went to the iron door and looked out through the bars at the shining electric lights in the corridors. The guard sat near the door talking with the prisoner in the next cell. He looked up and put two cigars through the grates.

"Is there anything I can do for you, Jackson?"

"No, I guess not. Nothin' more has come from him, has there?"

"No, but it's early yet."

"Well, I guess it's no use."

The men looked out a moment at the iron corridor and then lighted their cigars and sat down. Hank could hardly speak. Somehow this simple contact with his old friend had driven away all the feeling of the crime that he had brought with him to the jail. He no longer thought of him as Jackson, the wife-murderer, but as Jim, the boy he once knew and the man that had worked in the switch-yards and grown up by his side.

Out in the street they heard a steady stream of carriages and the merry laugh of men and women passing by. Hank listened to the voices and asked who they were.

"Oh, the people drivin' past in their carriages to the theater. You know all the northside swells drive down Dearborn Avenue past the jail. I wonder if they ever think of us in here, or if they know what is goin' to be done tomorrow. I s'pose if they do they think it's all right. What a queer world it is. Do you s'pose one of them was ever in here? Well, I don't believe I'd be either if only I'd had their chance."

The two men sat stripped almost to the skin; the putrid prison air soaked into Hank at every pore. The sweat ran from his face and he felt as if the great jail were a big oven filled with the damned and kept boiling hot by some infernal imps. Here and there along the big corridors they heard the echo of a half demoniac laugh, a few couplets of a ribald song, and the echoing sound of the heavy boots of a guard walking up and down the iron floor. Silently they smoked their cigars almost to the end and then Jim again took up his story.

III

WHEN I made up my mind to quit the railroad I looked 'round for somethin' else to do. It was kind of hard times just then and a good many were out of work and I couldn't find anything that suited me. Of course I never had much schoolin' and 'twa'n't every kind of job I could hold anyhow. I went back out to the stock yards, but they was layin' off men and there wa'n't anything there. One mornin' I went over to see Sol Goldstein. He was a nice old man that we used to buy potatoes of. He told me that he was gettin' so old and kind of sick that he thought he'd have to give up peddlin' and let his boys take care of him the rest of his time. He said he didn't think it would be very long anyhow, and they could do that much for him so long as he'd done so much for them. He said as I hadn't any job why didn't I buy his horse and express wagon and go to peddlin'. I could take his license, that hadn't run out yet, and go right along over his route. I told him I hadn't any money to buy his horse and wagon with, but he told me that didn't make any difference, I could pay for 'em when I earnt the money. So I made a bargain; got the horse and wagon and harness and two old blankets for fifty dollars. Of course they wa'n't worth much; the horse had a ringbone and the heaves and kind of limped in one of its hind elgs. Goldstein said that was on account of a spavin, but he told me there was another one comin' on the other hind leg and as quick as that got a little bigger he'd stop limpin' because he couldn't favor both hind legs to once. Goldstein said the ringbone had been killed and the heaves wouldn't bother him much. All I had to do was to wet the hay before I fed him. So I bought the rig. I didn't know nothin' about horses but I knew what Goldstein said was all right for we'd been friends a long time.

"I went down to Water Street and bought a load of potatoes and went to work. I haven't time to tell you all about my peddlin'; anyhow it ain't got much to do with the case, not much more'n any of the rest. My lawyer always said any time I told him anything, 'Well, what's that got to do with your killin' her?' and the judge said about the same thing whenever we asked any questions. He couldn't see that anything I ever done had anything to do with it except the bad things. He let 'em prove all of them and they looked a good deal worse when they was told in court and in the newspapers than they seemed when I done 'em. I guess there ain't nobody who'd like to hear every bad thing they ever done told right out in public and printed in the newspapers. I kind of think 'twould ruin anyone's character to do that, 'specially if you wa'n't allowed to show the goods things you'd done.

"I hadn't been peddlin' very long until an inspector asked me for my license and I showed it to him, and he said that it wa'n't any good, that I couldn't use Goldstein's license; that it was just for him, and that I must stop peddlin' until I went down to the City Hall

and paid twenty-five dollars for another one. I didn't know where to get the twenty-five dollars; anyhow I don't see why anyone should have to pay a license for peddlin'; nobody but poor people peddles and it's hard enough to get along without payin' a license. Anybody don't have to pay a license for sellin' things in a store and I don't think it's fair. But I went and seen the alderman and told him about it, and he said he could get it fixed and to go right on just as if nothin' had happened and if anyone bothered me again to send 'em to him. So I went right ahead. I don't know what he done but anyhow I wa'n't bothered any more until Goldstein's license had run out.

"Peddlin' is kind of hard work. You've got to get up before daylight and go down and get your potatoes and veg't'bles and things, then you have to drive all over and ask everyone to buy, and most people won't take anything from you 'cause you're a peddler and they're 'fraid you'll cheat 'em. Of course we do cheat a little sometimes. We get a load of potatoes cheap that's been froze, and then again we get a lot of figs that's full of worms and roll 'em in flour and then sell 'em out, but all figs is full of worms, and I guess 'most everything else is, even water, but it's all right if you don't know or think anything about it. And of course, half of the year it's awful hot drivin' 'round the streets and the other half it's awful cold, and sometimes it rains and snows and you get all wet and cold, and it ain't very healthy either. Most peddlers have the consumption, but then there's lots of poor people has consumption. It's funny, too, about where you can sell stuff; you'd think you ought to go where people has got money but this ain't no use; they never will buy nothin' of peddlers and they won't even let you drive on their high-toned streets, even after you've paid a license. If you want to sell anything you've got to go among the poor people. Of course they can't buy very much, but then they pay more for what they get. It's queer, ain't it, the way things are fixed; them as works hardest has to pay the most for what they eat, and gets the poorest stuff at that. Did you ever go and look at one of them meat markets on the south side? Do you s'pose that they'd take any of the meat that's in ours? They might buy it for their dogs and cats but they wouldn't eat it themselves.

"Once in a while I used to take the kid along with me when I was sellin' things, and he always liked to go, but if it commenced to rain or turned cold I had to go back with him, and then he always got tired before night. So I didn't take him very often. I kind of laid out to take him when she done the washin', so he'd be out of her way, and he used to kind of like to drive, and I amused him a good deal that way.

"I think mebbe I made about as much peddlin' as I did on the railroad, but not any more, after I paid for my horse feed and the rent of the barn and gettin' the wagon and harness fixed once in a while. Anyhow I didn't get out of debt any faster, and the furniture men kept threatenin' me until I went to one of them chattel-mortgage fellers and borrowed the money and mortgaged all I had and

paid five dollars for makin' out the papers and five percent a month for the money. This didn't seem like so very much but it counts up pretty fast when you come to pay it every month. Then one day my horse up and died. I didn't know what was the matter with him. He seemed all right at night and in the mornin' he was dead. I didn't know what to do at first so I went and seen the alderman. He gave me a letter to some men who run a renderin'-plant and I went out there and bought an old horse for five dollars. It was one they was goin' to kill, and it seemed too bad to make him work any more; still I guess he'd rather work than be killed; that's the way with people and I guess horses is about like people. I always thought that horses had about the worst time there is; they can't never do anything they want to, they have to get up just when you tell 'em to and be tied in a stall and eat just what you give 'em and depend on you to bring 'em water. Even when they're goin' along the road they can't turn out for a mud hole but have to go just where you want 'em to and never have a chance to do anything but work.

"This horse wa'n't much good but I managed to use him in my business. The boys would holler at me and ask me if I was goin' to the bone-yard or the renderin'-plant, and once or twice one of the humane-officers stopped me and came pretty near takin' it away and killin' it, but nobody ever saw me abusin' it, and I fed it all I could afford. I remember one night in the winter, about the coldest night we had, I heard it stampin' and I couldn't go to sleep. I knew it was stampin' because it was so cold. We didn't have any too much cover ourselves, but it worried me so much I got up and went out to the barn and strapped an old blanket on the horse and then came back and went to bed. I guess this was the other horse though, the one that died, for I didn't have this last one over a winter. But I don't know as it makes any difference which horse it was.

"Well, I can't tell you all about my peddlin', it ain't worth while, and I must go on and tell you about how it happened. It was on the 26th day of November. You remember the day. There's been a lot said about it in the newspapers. It was just three days before Thanksgivin'. I remember I was thinkin' of Thanksgivin', for we'd been livin' pretty poorly, not very much but potatoes, for it was a rather hard fall on all us poor folks. I always hated to take the money for the things I sold but I couldn't help it. You know I couldn't give things away as if I was Rockefeller or Vanderbilt. Well, I knew we was goin' to get a turkey from the alderman Thanksgivin', just two days later, and I should have thought that would have cheered me up, but it didn't. That mornin' it was pretty cold when I got up. It was the first snow of the season, one of them blindin', freezin' days that we get in November, and then, of course, I wa'n't used to the cold weather and wa'n't dressed for it either. I didn't have much breakfast for we didn't have much stuff in the house. She got up and fried some potatoes and a little pork and that was about all, and then I hitched up the old horse and drove away. No one else was on the street. There wa'n't generally, when

I started after my loads in the mornin'. The old horse didn't like to go either; he kind of pulled back on the hitch strap when I led him out of the barn, the way you sometimes see horses do when they hate to go anywhere or leave the barn. I s'pose horses is just like us about bein' lazy and sick, and havin' their mean days, only they can't do anything about it. Well, I went down and got my load. In the first place I had some trouble with the Dago where I got the potatoes; they were pretty good ones but had been nipped a little by the frost in the car, and he couldn't have sold 'em to the stores, at least to any of the stores on the north side or the south side. They was just such potatoes as had to go to us poor folks and most likely to peddlers, and he wanted to charge me just about as much as if they was all right. I told him that I'd some trouble in sellin' 'em and I ought to make somethin' off'n 'em. He said I'd get just as much as I could for any kind, and I told him that I might possibly, but if I was goin' to pay full price I wanted my customers to have just as good potatoes as anyone got, and besides I might lose some of my customers by sellin' them that kind of potatoes. Then he dunned me for what I owed him and threatened not to trust me any more and by the time I left with my load I was worried and out of sorts, and made a poor start for the day.

"Well, I drove over along Bunker Street, among the sheeneys, and commenced calling 'po-ta-to-es.' Nobody much seemed to buy. A few people came out and picked 'em all over and tried to jew me down, and mebbe bought half a peck. I don't know how they thought I could make any money that way. Still the people was all poor; most of 'em worked in the sweat-shops and hadn't any money to waste on luxuries. I worked down Maxwell Street and things didn't get much better. It seemed as if everybody was out there sellin' potatoes, and it was awful cold, and I hadn't any coat on, and the horse was shiverin' every time we stopped. Of course I always put the blanket on him if we stayed long, but the blanket was pretty old and patched. Then I drove down south, where the people lives that work in the stock yards. It went some better down there but not very much; anyhow I didn't get any warmer. Along toward noon I hitched the horse under a shed and gave him a few oats and I went into the saloon and bought a glass of whiskey and took four or five of them long red-hots that they keep on the counter. They tasted pretty good and I never stopped to think what they was made of; whether they was beef, or pork, or horse, or what, though you know everybody always says they work in all the old horses that don't go to the renderin'-plant and some that does, but they was good enough for me and was hot, and when I went away I felt better and I guess the old horse did, too. Well, I drove on down around the streets and did the best I could. I remember one place where an old lady came out and said she hadn't had anything to eat since yesterday and there wa'n't nothin' in the house, and I up and gave her half a peck, though I couldn't hardly afford to do it. You know that half a peck was more to me than it is to Rockefeller when he gives a million to the school, but my lawyer wouldn't let me prove

it when I tried; he said the judge would only laugh if he ever mentioned it. The newspapers never printed a word about it either, although I kind of thought it might lighten up the people's feelin' some and help me a bit; but they did prove all about the time I struck her and some other things I wa'n't on trial for, although my lawyer objected all he could and said I wa'n't on trial for 'em, which I wa'n't; but the judge said no, of course I wa'n't, but they'd show malice, so they went in and was printed in the newspapers, and the jury looked awful at me, but I bet every one of 'em had done most as bad. When I gave the old woman the half peck of potatoes she called on all the saints to bless me to the end of my days. I felt kind of better as I went away, and thought mebbe they'd do somethin' for me, and this wa'n't more than seven or eight hours before it happened.

"Of course, most folks would think that anyone like me wouldn't have given away a half a peck of potatoes, but they don't really understand them things; you've got to do a thing before you can know all about it. If I was makin' the laws I wouldn't let anyone be on a jury and try a feller for murder unless he'd killed someone. Most fellers don't know anything about how anyone kills a person and why they do it, and they ain't fit to judge. Now, of course, most everybody would think that anyone who had killed anyone, unless it was in war or somethin' like that, was bad through and through; they wouldn't think that they could ever do anything good; but here I give away that half peck of potatoes just because I knew the lady was poor and needed 'em—and I see things every day here in jail that shows it ain't so. Just a little while ago one of the prisoners was took down with small-pox and everyone was scared, and another prisoner who was in here for burglary went to the ward and nursed him and took care of him, and took the disease and died. And most all of the fellers will do anything for each other. The other day there were five fellers on trial for robbin' a safe, and the State's Attorney done all he could to get one of 'em to tell on another feller who hadn't been caught or indicted, and he promised every one of 'em that he wouldn't do a thing with 'em if they'd tell, and he couldn't get a word out of any of 'em, and they went to the penitentiary, just because they wouldn't tell; and the State Attorney and the judge all of 'em seemed to think that if they could get one feller to tell on someone else that he'd be the best one of the lot and ought to be let out. If you'd just stay here a few days and see some of the wives and fathers and mothers come into the jail and see how they'd cry and go on over some of these people, and tell how good they was to them, it would open your eyes. They ain't one of them people, unless it's me, that don't have someone that loves 'em, and says they've been awful good to 'em and feel sorry for 'em and excuses 'em, and thinks they're just like everybody else. Now there was them car-barn murderers that killed so many people and robbed so much. Everyone wanted to tear 'em to pieces and no one had a single good word for 'em, but you'd ought to seen Van Dine's mother and how she hung on to her boy and cried

about him and loved him and told how many good thing's he done, just like anyone else; and then that Niedemeyer, who tried to kill himself so he couldn't get hung, you know he went to a detective and confessed a lot of crimes, so that the detective could get the money after he was hung, and the detective agreed to divide the money with his mother. If you was here a while you'd find these fellers doin' just as many things to help each other as the people on the outside. It's funny how human nature is, how anybody can be so good and so bad too. Now I s'pose most people outside can't see how a murderer or a burglar can do anything good any more than the poor people down our way can see how Rockefeller can charge all of us so much for his oil and then give a million dollars to a church or a school.

"There was feller came over here to the jail to talk to our Moral Improvement Club and he had some queer ideas. Most of the prisoners rather liked what he said and still they thought he was too radical. I never heard any such talk before and I don't quite see how they let him do it, but I've thought about what he said a good deal since then and think mebbe there's somethin' in it. He was a good deal different from the other ones that come. Most of 'em tell us about our souls and how we can all make 'em white if we only will. They all tell us that we are a bad lot now; but he kind of claimed that the people inside the jail was just like the people outside, only not so lucky; that we done things because we couldn't help it and had to do 'em, and that it's worse for the people on the outside to punish the people on the inside than to do the things we done. Now, I hain't had anything to do but think about it and what I done, and it don't seem as if I could help it. I never intended to kill anybody but somehow everything just led up to it, and I didn't know I was gettin' into it until it was done, and now here I am. Of course, when I was out I used to rail about these criminals and think they was awful bad just the same as everyone else did, but now I see how they got into it too, and how mebbe they ain't so bad; even them car-barn murderers,—if they'd been taken somewhere out west on a ranch where they could have had lots of air and exercise and not put in school which wa'n't the place for boys like them, I believe they'd 've come out all right and been like most other boys and sobered down after they got older. I really think if they'd been taken away they'd 've tried to be good and if they'd been given plenty of exercise, like herdin' cattle and things like that, mebbe it would have been just as good as to kill 'em. Anyhow there was them Younger boys and Frank James who killed so many people and they are out now and all right. Nobody's afraid of 'em and they won't likely never do anything of that kind any more.

"But I'm gettin' clear off'n my subject again, just as I always am. I was tellin' you about that day. Well, after I gave the lady the half peck of potatoes I went on peddlin', but didn't seem to sell much. I ought to 've got through by two or three o'clock. It was a long enough day for me, and the horse, too, but I had so many potatoes left that I couldn't stop, so I kept on. I got down around

Thirty-fifth Street and was pretty cold and went into a saloon where I saw one of the boys. One of 'em was runnin' for the legislature and he asked us all to take a drink, and of course we did; then he asked us to take another and we done that; and in a few minutes that feller that was runnin' for the senate, he come in and he asked us all to take a drink and of course we done that, and he said a few words about the election and how he hoped we all would vote for him, and we told him we would, and that as near as we could find out all the boys was with him, that the other feller was a kind of stiff anyhow. He went out, and then, just as I was leavin', the feller that was runnin' against him, he come in and he set 'em up a couple of times and said he hoped we was all with him, and of course we told him we was, and then he went away. Well, of course, I took whiskey every time because I was cold and that kind of warmed me up. Then I went out to the wagon again and drove on down Thirty-fifth Street to sell the rest of the potatoes. Finally the horse began to go lame, and seemed pretty tired, and I turned back toward the house, peddlin' on the way. I guess I didn't sell anything after I left Thirty-fifth Street, though I kept callin' out until my voice got kind of husky and all stopped up. I guess it was the cold air that I wa'n't used to yet. The snow was comin' down pretty fast as I drove along and the wind was blowin' quite a bit in my face and it was a bad night. It commenced gettin' dark pretty soon after. You know the days are short along the last of November.

"Then I kep' thinkin' about the cold weather. I always hated winter anyhow, and I hadn't expected 'twould turn cold quite so quick and of course I wa'n't ready for it. I couldn't seem to think of anything but the winter. I s'pose that was the reason I done the things I did afterward. I got to thinkin' about the house and how many cracks there was in it and how much coal it took to heat it. Then I began to think about the price of coal and how it's cheaper in the summer than in the winter, and how the price keeps goin' up so much a month all the time until winter, so, of course, all the rich people can get their coal in the summer when it was cheap and leave the poor people to get it in the winter when it got high. Then I thought how everything seemed to be against the poor and how you couldn't get on no matter what you done.

"I hadn't got my potatoes more'n two-thirds sold out and I didn't have any good place to keep 'em. I couldn't afford to take chances of 'em gettin' frost-bitten any more. You know how easy potatoes freeze. You have to watch out while you're peddlin' 'em in the fall and winter and some days you don't dare take 'em out at all. Before I got home I thought I'd have another drink so I stopped at a saloon where they always had the pollin' place and where a good many politicians usually hung out; and I found some of the boys there, and the fellow that was runnin' for assessor was in the saloon. He asked us all to drink a couple o' times, and then he told us how easy he was in assessin' the poor people's property, and asked us to vote for him. We all said we would, and then

he told us how he was assessor last year and how he'd stuck it onto the rich people and the corporations and how they was all against him this year. We all liked that, and then he gave us another drink. I was gettin' so I felt it just a little, but of course I wa'n't drunk. I could walk all right and talk pretty straight. I don't suppose I'd taken more'n ten or twelve drinks in all day, and you know that won't hurt anybody. I don't know what I would've done such a cold day if it hadn't been for the drinks. Oh, yes, in the last place they got to talkin' about the alderman and said as how he wa'n't goin' to give out any turkeys this year. I didn't like that and some of the fellers had quarreled about 'em and then some of 'em had been givin' 'em to us and we didn't see what right he had to quit. They said the reason he wa'n't goin' to give 'em was because a lot of the fellers had quarelled about 'em and then some of 'em had taken his turkeys and voted the other ticket, and some people had found fault with him because they didn't get any turkey, and it looked as if he was losin' votes instead of makin' 'em. Well, I'd been dependin' on the turkey and it made me feel a little blue, for I didn't know how I was goin' to get anything for Thanksgivin', and I didn't think that you could have much of a Thanksgivin' just on potatoes and mebbe a little pork. So I wa'n't feelin' none to good when I got on the wagon and drove away from the last place. It seemed as if everything had turned against me and I didn't know what I was goin' to do. It's funny how much difference luck makes with a feller. You know somethin' can happen in the mornin' and make you feel good all day, and then again somethin' will go wrong and no matter what you are doin' it seems as if there was a sort of a weight pullin' down on you. Well, I felt kind of blue as I drove home. I don't think I could hardly have kept up only for the whiskey I'd drunk. I was kind of wonderin' what it was all for and I didn't see any reason for anything, or any chance that anything would be any better, or any real reason for livin'.

"Before I went to the house I drove up to the barn and unhitched the horse and led him in, and then I run the wagon in, and took the potatoes out and put 'em under a little bag of hay that I had in the corner, and threw the horse blanket over 'em. Then I unharnessed the horse and bedded him down and gave him some hay and a little oats. I'd watered him at one of the last places I stopped ---one of them troughs they have in front of saloons. Then after I got the horse tended to I went into the house."

Hank got up and went to the door and spoke to the guard. He was still sitting on the stool and talking to the prisoner in the next cell. Once more he handed Hank a cigar.

"Give one to Jim," he said. "I can't do much more for him, poor devil; I'm awful sorry."

Jim came up and took the cigar and looked down at the guard.

"I don't s'pose nothin' has come for me, has there?"

"No, not yet," was the answer.

"Well, I presume it's no use."

Just then the noise of pounding and driving nails and low voices was heard over in the court yard.

"What's that?" Hank asked.

"Don't you know! That's the fellers buildin' the scaffold; they always do it the night before. Strange, ain't it; somehow it don't seem to me as if it was really me that was goin' to be hung on it; but I s'pose it is. Now, isn't it strange about the governor; just one word from him could save my life. I'd think he'd do it, wouldn't you? I s'pose he don't really think how it seems to me. I know I'd do it, no matter what anyone had done.

"But it's gettin' late and I must go on with my story or I won't get it finished before—before you have to go. It's pretty hard to tell all 'bout this part, but I'm goin' to tell it to you honest and not make myself any better'n I am. I've thought about this a good deal when I've tried to account for how I done it, and I guess I can tell everything that happened. When I look at it now it seems years ago, almost a lifetime, not as if it was last November. I guess it's because so much has happened since then. It seems, too, as if it wa'n't me that was doin' it, but as if 'twas someone else. I guess that'll make it easier for me to tell; anyhow, I want you to know how it was, and then some time you can tell the boy, if you think it's the right thing to do."

IV

I FORGOT to tell you about the steak. I don't see how I left that out, for, really, that's what caused the whole trouble. It beats all what little things will do, don't it? Now, lots o' times in my life it has seemed as if the smallest things had the most to do with me. There was that red waist, for instance, that she wore that day she was waitin' on the table. I 'most know I never would have paid any attention to her if it hadn't been for that red waist. And then that beefsteak—in one way I'm goin' to get hung on account of that beefsteak. How many times since that I've just wished I hadn't stopped and bought it. But you see I was feelin' cold all day, and when I come 'round Thirty-fifth Street the wind kind of got in my face worse'n it had done before, and it sort of struck me through the chest too; my legs didn't feel it quite so much, because they had the blanket over 'em. Well, just as I got up to the second corner there was a saloon right in front of me. This was before I got to the corner when I met the senators, and I thought I'd go in and get a drink; and then right on the other side was that meat market and there was a lot of chickens and steak and things hangin' in the window, and they looked mighty good, for I hadn't had much to eat all day. At first I thought I'd go and get a drink, and then I thought I could get enough steak for supper for just about what the drink would cost, and the steak would do the most good, and besides she and the kid could have some of that, and I thought it would make her feel pleasanter and liven her up a bit. We hadn't been gettin' along any too well for some time.

"So I pulled up the horse a minute and went into the shop and asked the butcher about the steak hangin' in the window, and he told me that it was sixteen cents a pound and that it was a sirloin steak. I thought that was most too much and asked him if he hadn't some cheaper kind. He said yes, that a rump steak was just as good, and he showed me one of them and the whole piece came to fifteen cents—just the price of a glass of whiskey—and I bought it and rolled it up in a piece of brown paper and went away.

"Now I was tellin' about this to the good guard that likes to get statistics for the Citizens' Association, and I told him it was the beefsteak that brought me here, and that if I had only got the whisky instead of the steak it wouldn't have happened, but he argued the other way, and then when I stuck to my story he got kind of mad about it and said it was them drinks I had with the senators and the assessor that really done it, and if it hadn't been for the drinks I'd have known better, and he said he was goin' to put it down that way, and I'm sure he did. I hain't no doubt but a good many of the figgers we see about penitentiaries and things is got up the same way.

"Well, when I unhitched the horse and got him tended to and the potatoes covered up and all, I took the steak and started for the house. You know where I live—the barn is just back of the cottage, and there's

a kind of little alley behind the barn and then the switch-yards come in; the railroad curves up toward the house after it passes the barn so it gets pretty near the kitchen. Of course, the trains bother us a good deal and the switch engines are goin' back and forth all the time, and the house is pretty old and not very big, but all them things has to be taken into consideration in the rent, and I got it enough cheaper to make up. I presume that's the reason no poor people live out on the avenues, because the rents is so high, and in one way mebbe the switch tracks is a good thing, for if it wa'n't for them I'd had to go out to the stock yards to live, and I'd rather have the engines and the smoke than the smell. Some of them Settlement people are tryin' to have a park made, out along the tracks right close to where we lived. Of course, flowers and grass would be nice, but I s'pose if they got the park some fellers would come along and pay more rent than we could afford and then we'd have to go out to the stock yards. It seems as if us poor people gets the worst of it no matter how you fix it. But I'm takin' an awful long while to get into the house; seems as if I'm tellin' you everything I've thought of ever since I've been locked up here in jail. It's mighty good of you to set and listen, and I'll always remember it as long as I live, though I guess that ain't sayin' much.

"When I come up to the door I heard the kid cryin' and she was scoldin' him about somethin' he'd done and tellin' him to go in the bedroom and stay till supper was ready and to quit his squallin' or she'd thrash him. Of course, generally, she was good to him, and I don't mean to say she wa'n't, but sometimes she got out of patience with him, same as all women does, I s'pose. Of course you have to make allowances for her. She dassent let the boy go to play back of the house, for there was the yards and the cars, and you know children always goes 'round cars; then she couldn't let him go in front for the electric road was there, and you know about that little boy bein' run over a year ago down at the corner. Then there's buildin's on both sides of us, so she had to have the kid right in the house all the time less'n she went out with him, and of course he got kind of tired settin' in the house all day with nothin' to do but look out in front and see the switch engines. Still I sometimes thought she was crosser to him than she ought to have been at that.

"When I opened the door she was just takin' the boy into the bedroom. In a minute she come out and kind of slammed the door hard, and said, 'Well, you've got home, have you?' I said yes, I'd got home. That's every word I said. Then she said it was a pity that them drunken friends of mine couldn't keep me out all night spendin' the money for whisky that I ought to use in the house. I told her that I hadn't spent no money for whisky. She said 'Yes, your face looks it, and your breath smells it.' Then I told her that I did take one drink but the assessor bought it for me. Then she landed into the assessor, and told me I was in pretty company goin' 'round with him; that Mrs. McGinty had told her all about what kind of a man he was and she didn't want to hear any more about him. Then I asked her about when supper would be ready, and she said she hadn't begun to get it yet, that she'd been doin' the washin' and had that brat of mine to take care

of all day, and she'd get the supper when she got ready. Of course I was hungry and cold, and that made me kind of mad, only I didn't say much, but laid the beefsteak on the table and unrolled it so's she could see it. I thought mebbe that would kind of tempt her, and I told her she'd better cook it and fry a few potatoes. She made some remark about the steak, and about how I'd better got a soup bone, or a chicken, or somethin' cheaper, and no wonder I was in debt with all the money I spent for whisky, and when I did bring anything home to eat it had to be somethin' that cost a good deal more'n I could afford. Then I said that this was a rump steak and only cost fifteen cents, and she said I could get a soup bone that weighed six or seven pounds for that, and I hadn't any business to throw away my money. Then she kind of stopped for a few minutes and took the steak out into the kitchen. Where we'd been was in the settin' room. I went in to see the kid a few minutes and kind of quieted him down, and so long as he laid on the bed and seemed kind of like as if he'd go to sleep I shut the bedroom door and come out again. Then I picked up the paper and read about the alderman not goin' to run any more, and that was the real reason why he wa'n't goin' to give us any more turkeys; then I looked at the sportin' page and then I read a long story about a feller that had killed someone and left 'em dead in the house, and then run away, and how they'd found 'em dead and had offered a thousand dollars reward for the feller who killed the other one. Then I read about a murder trial that they was just havin' and how the jury had found the feller guilty and he was goin' to be hung, and how he never moved a muscle, and how his mother screamed and fell over in a swoond when the clerk read the verdict. While I was readin' she kept comin' out and into the settin' room, bringin' dishes and things to set the table. You know we generally et in the settin' room. Ev'ry time she come in she kind of glared at me, but I let on not to notice her.

"Pretty soon I smelt the steak fryin' and went out in the kitchen. When I got out there I found the steak fryin' in the skillet all right and her just takin' up the tea kettle to pour water on it. Now this made me mad, for that wa'n't no way to fry steak. You know yourself that you lose all the flavor of the steak by pourin' water on it; that makes it more like boiled meat than it does like beefsteak. I just saw her in time, and I called out, 'What are you doin'? Put down that kettle. Don't you know better'n to pour water on beefsteak?' She said, 'You shut up and go back in the settin' room, or I'll pour the water on you.' I said, 'No, you won't; put down that kettle. How many times have I told you better'n to pour water on steak? It's hard enough for me to get the money for a steak without lettin' you spoil it that way.' I started to grab her hand, but before I could reach it she tipped the nozzle over into the skillet and poured a lot of water in, and the steam and hot water and grease kind of spattered up in my face. I don't know whether I struck her or not; anyhow I grabbed the kettle, and when the nozzle turned round some of the hot water got onto me, and burned me a little. I put the kettle down and said, 'Damn you, what do you mean by spoilin' the steak every time I get it? If you ever do a thing like that again, I'll cut your throat.'

"Now, of course, I hadn't no idea of cuttin' her throat, no matter how often she done it. 'Twas just a way I had of showin' how mad I was about what she'd done. You see she done it a-purpose for I'd told her plenty of times before, and I told her then before any of the water got into the skillet, and she just poured it in to spite me. Then she said, 'You drunken loafer, I'd like to see you try to cut my throat. I just dare you to do it. You don't need to wait until you bring home another steak; ain't likely I'll be here by the time you bring home any more steak. I don't care what the Settlement people and the priest say about it, I'm going to quit you. I've stood this thing just as long as I'm goin' to,' and she fairly screamed, just on purpose, so the neighbors could hear.

"Now I didn't want them to know we was fightin', and I seen that she was so mad she couldn't control herself and didn't care who heard or what happened. The neighbors had come in once before, but they'd got pretty well used to our fights. But I thought it had gone about far enough and the steak couldn't be helped, so I went back into the settin' room and picked up the paper. In a few minutes she come in and says, 'Well, come, your old steak's ready, you've made so much fuss about it you'd better come and eat it and let it shut your mouth.' And she went on into the bedroom and got the kid. I drew up my chair and set down to the table. She put the kid into the high chair and then she set down on the other side. I cut up the steak and give each of 'em a piece with some fried potatoes, then we had some bread and butter and some tea. She poured out the tea and handed me a cup. There wa'n't any milk for the tea and I asked her why that was. She told me she didn't have any money to buy tickets, and if I wanted milk I'd better leave some money to buy tickets instead of spending it all for whiskey. I didn't make much of any answer to this but commenced eatin' my steak. Besides bein' boiled it was cooked almost to a crisp, and you couldn't hardly tell whether it was beefsteak or what it was; all the taste was out of it and gone into the water and the steam. I put some of the gravy on the potatoes; this was better'n the steak and tasted more like beef. I et up the potatoes and the steak and a few pieces of bread and butter, and cut up the kid's steak and showed him how to hold his knife so's to eat without cuttin' himself, and I didn't say a word to her and she didn't say a word to me. Of course, I could see by the way she looked that she was mad, and I presume she could see that I was, too; and probably both of us thought it was just as well not to say anything, 'specially so long as the kid was there. All the time I was eatin' I kept thinkin' about the way she'd poured the water into the steak and spoilt it, and how I'd been lookin' forward to it ever since I bought it on Thirty-fifth Street, and the more I thought of it the madder I got. If it had been the first time I don't think I'd have minded it near so much, but I'd told her about it ev'ry time I brought home a steak, and it seemed as if always we had a row pretty near as big as this, and every time she managed to pour the water into it and spoil it in spite of all that I could do. And this time it had been just the same thing again. Anyone would have been mad if they'd been in my place; don't you think so yourself?

"Well, I finished my supper without sayin' a word to her, and she didn't say a word to me, and then I got up and went back into the settin' room and picked up the paper and commenced readin' again. In a min-

ute she come along through with the kid and took him into the bedroom to put him to bed. After she'd been in there a while she came out and shut the door, and stood up for a minute lookin' over toward me. I thought she was waitin' for me to speak, so I just kept my eyes on the paper like as if I was readin', but I wa'n't. I hadn't cooled off a great deal since she poured the water on the steak, and could see that she hadn't neither, so I thought mebbe it was as well to have it out, but I was goin' to wait for her to begin. Of course, I hadn't no idea then of doin' anything like what I did. I was just mad and reckless and didn't care much, and would keep thinkin' of the steak, and you know all the time I was thinkin' I could feel a kind of prickin' up in my head, as if a lot of needles was runnin' up toward my hair. I s'pose it was the blood runnin' up there. That feller that I told you about that was talkin' to us over here kind of made out that a man was a good deal like a machine, or an engine of some kind, and when the steam was turned on he had to go. He said that if the blood was pumped up in the head it made us do things; it made some people write poetry, and some make speeches, and some sing, and some fight, and some kill folks, and they couldn't really help it if they was made that way and the blood got pumped up in the head. I believe there's a good deal in it. You know when the blood don't circulate down in your feet they get cold and kind of dead, and then if you put 'em into a pail of hot water or even cold water, and then rub 'em hard with a towel, they get prickly and red, and you can feel the blood comin' back to 'em and feel 'em wake up again.

"Well, I set perfectly still while she stood by the mantel-piece. First she picked up one thing and then another and kind of dusted 'em and put 'em back. She done this till she had dusted ever'thing on the mantel-piece, and all the time she would be lookin' over toward me, but I kept my eyes down on the paper and pretended to be readin'. I knew that she didn't dust the things because she wanted to dust, for she always dusted in the mornin' just after she swept. I knew she did it because she was nervous and mad, and was waitin' for me to begin. Of course, sometimes when you are mad the longer you wait the more you get over it, and then sometimes the longer you wait the madder you get. It's like a boiler not usin' any of its steam while the fire is goin'; if it waits long enough somethin's got to happen.

"Finally, after she got everything dusted she looked over straight at me and says, 'Are you goin' to read that paper all night?' I told her I was if I wanted to, that it was none of her business how long I read it; there was a part of it that I'd like to give her to read if she wanted to; it was the cookery department, and had a recipe for frying steak. Of course, there wa'n't no such thing in the paper, and I just made it up and said it to be sassy, and I knew I shouldn't have been throwin' it up to her, but I was so mad I really didn't think how 'twould sound. Then she said she didn't want any advice from me or the paper either, about cookin', and she wanted me to understand that the cookin' was none of my business and she'd tend to that herself in her own way, and if ever I interfered again she'd leave me and take the kid with her. She said she learned cookin' long before she ever knew me. Then I said I thought she could make money by startin' a cookin' school; all them rich folks

on Prairie Avenue would come over to get her to learn them how to fry steak. She said she guessed she knew more 'bout fryin' steak than I did, and when I boarded at the restaurant I was mighty glad to get steak fried that way, and I only grumbled about it now because I was so mean and didn't know how to treat a woman, and a man like me never had no right to have a decent wife. Then I said I wished I hadn't; I'd be a mighty sight better off by myself than livin' with her and havin' her spoil everything that came in the house, and I wished I was back boardin' in the restaurant where she found me. She said I didn't wish it half so much as she did, that she got along a good deal better when she was waitin' on the table than she had since she married me; then she had a chance to get out once in a while and see someone and have a good time, but now she stayed to home from one year's end to another lookin' after me and my brat. I told her I guessed the brat was just as much hers as it was mine, and I didn't think that was any way to speak about the boy. Of course I really knew that she didn't say it because she had anything against him, but just because she was mad at me. She always liked him, and I can't make any complaint of the way she treated him, and I want him to know it when we're both dead, and I don't want him to get any idea that she wa'n't perfectly square. I kind of want you to fix it, if you can, so 'twon't look to him as if either of us was to blame, but I guess that won't be an easy thing to do.

"Then I said she was mighty glad to give up the job she had at the restaurant to marry me. She said I asked her to get married, that she didn't ask me. Then I told her that, of course, she didn't ask me, but she gave me a mighty good chance, and that I believed she just got that red waist and fixed up her hair the way she did to ketch me, and when I spoke to her about marryin' it didn't take her very long to throw up her job, and take me so she could get supported without doin' anything. Then she said that if she spent any money to get that red waist to ketch me she was throwin' it away, and that if I thought she ever worked for anyone else as hard as she did for me and my brat that I was mistaken, and it didn't make any difference what she done, I never gave her any thanks or did anything for her. If I ever had any time I spent it with them drunken loafers and politicians and never went anywhere with her; that she wa'n't no better'n a slave, and what was she doin' it all for; pretty soon she'd be old long before her time. Her looks was all gone now, and she hadn't even had a new dress for over a year. I told her that I didn't know what she wanted of looks, she never was a prize beauty and 'twa'n't very like anybody'd ever be fool enough to marry her again, if anything happened to me. And she said if she ever got rid of me there wouldn't be much danger of her marryin' anyone else, she had men enough to last as long as she lived; that all they ever thought of was what they could get to eat and drink, that I'd made more fuss over that miser'ble beefsteak than anyone would over their soul, and she didn't see why she ever stood it from me, and she was just as good as I ever was and knew just as much, and worked a good deal harder, and didn't run 'round nights and get drunk and spend all the money with a lot of loafers, and be in debt all the time and have the collector runnin' after me. I told her I had just about enough of that kind of talk, and wouldn't stand no more of it from her; it was bad enough for her to

burn up the beefsteak and spoil it without blackguardin' me and callin' me names; she was mighty glad to get the clothes and the grub I bought her and to live in my house and have me work hard every day in the cold to get money while she just stayed to home and played with the kid, and if she said another word to me I'd smash her face. Then she said, 'Yes, you miserable wife-beater, you kicked me once, didn't you, but you needn' think you can kick me or lay hands on me again. I ain't afraid of you nor any of your low-lived drunken crew!' Then she kind of reached back to the mantel and took hold of a plaster Paris lady I'd bought of a peddler, just as if she was goin' to throw it at me, same as she throwed that dish once before. I seen what she was doin' and I grabbed her arm and said, 'You damned bitch, don't try that on me'; and I gave her a kind of shove over toward a chair and she missed the chair and fell on the floor.

"Of course, you know I didn't really mean anything when I called her a damned bitch; that is, I didn't mean any such thing as anyone might think from them words. You know us fellers down to the yards don't think very much about usin' that word, and we never really mean anything by it. But I don't think 'twas a very nice word to use and have always been sorry I said it, even if I did kill her.

"Well, she jumped up off'n the floor and made towards the table, like she'd grab a knife, and by this time I had a prickly feelin' runnin' all through my head and up into my hair, and I didn't really think of anything but just about her and what she was doin'. I don't believe I even thought about the kid in there on the bed. Mebbe if I had I wouldn't have done it.

"Well, when she made for the table that way, I just run over between her and the table, and said, 'Damn you, if you move another step I'll knock your damned brains out!' Them's the very words I said. I didn't really think what I'd do, but of course I was mad and didn't mean to give up to her, and wanted to show her who was boss, and that's all I thought about. Then she come right up to me and sort of throwed her arms back behind her, and throwed her head back, and her hair hung down all kind of loose, and her eyes glared like electric lights, and she looked right at me and just yelled so I thought the people could hear her all over the ward. And she said, 'Kill me! you miserable drunken contemptible wife-beater; kill me, I just dare you to kill me! Kill me if you want to and then go in there and kill the boy, too; you'd better make a good job of it while you're at it! Kill me, you coward, why don't you kill me?'

"Just then I happened to look down by the stove and seen the coal pail, and there was the poker in the pail. The poker was long and heavy. Of course I hadn't ever thought anything about the poker, but I looked down there and seen it, and she kept yellin' right at me, 'Kill me! Kill me!' I said: 'Shut up your mouth, damn you, or I will kill you!' But she just yelled back, 'Why don't you do it! Kill me! Kill me! You miserable dirty coward! Kill me!' Then I looked down at the poker and I just reached and grabbed it, and swung back as hard as ever I could.

"Her face was kind of turned up toward me. I can see it now just as plain—I s'pose I'll see it when I'm standin' up there with the black cap over my eyes. She just leaned back and looked up as I swung my arm and she said: 'Kill me! Kill me!' And I brought it down just as hard as ever I could right over her forehead,—and she fell down on the floor."

V

YOU might go and talk to the guard a little bit, I'll be all right in a few minutes. You know this is the first time I've ever told it, and I guss I'm a bit worked up."

Hank got up, without looking at Jim's face. His own was white as a corpse. He moved over to the little iron door and spoke to the guard.

"Could you give me a drink of water—or could you make it whiskey? I'm sure that would be better for Jim."

The guard passed him a flask, and told him to just keep it. Hank took a drink himself and handed it to Jim.

"Well, I guess 'twould do me good. I believe if I was out of here I wouldn't never take any more, but I don't see any use stoppin' now; anyhow I'll need a lot of it in the mornin'. Just ask the guard if any word has come for me. I s'pose he'd told me, though, if it had." Jim held the bottle to his mouth long enough to drink nearly half of what was left.

Hank looked out at the silent corridors. Over in the court he could still hear the hammer and the voices of the workmen; from the upper tiers, the wild shriek of an insane man called on someone to save him from an imaginary foe. A solitary carriage rolled along the pavement, and the voices of two or three men singing came up from the street below. A faint breath from the lake just stirred the heavy prison smell that seemed dense enough to be felt. The guard asked him how he was managing to pass the night. Hank answered that it was going much faster than he had thought.

"Poor fellow," said the guard, "I'll be kind of lonesome when he's gone. He's been a good prisoner." This was the highest character that a guard could give.

"Well, Hank, if you are ready now, I'll go on with my story. That whiskey kind of braced me up, and I s'pose you needed it too, after listenin' so long. I must hurry, for I ain't near through with what I wanted to say. I've thought lots about how I hit her, and I s'pose I ought to think it was awful, and it looks so to me now, and still it didn't seem so then. I can't help thinkin' of what that feller said to us in his speech. He claimed that punishin' people didn't do no good; that other people was just as likely to kill someone if you hung anybody, as they would be if you let 'em go, and he went on to say that they used to hang people for stealin' sheep and still just as many sheep got stole and probably more'n there was after they done away with it. I don't s'pose I ever should have thought anything about it if I hadn't killed her, but, of course, that made me think a lot. I'm sure that I wouldn't do such a thing again; I wouldn't be near so likely to do it as I was before, because now I know how them things commence, and I'm awful, awful sorry for her too. There wa'n't no reason why she should die, and why I should have killed her, and if there was anything I could do to change it, of course I would.

"But I can't really see how hangin' me is goin' to do any good. If it was I might feel different, but it ain't. Now, all my life I always read about all the murders in the newspapers and I read about all the trials and hangin's, and I always kind of wished I could go and see one. But I never thought I'd go this way. Why, I was readin' about a murder and how a feller was found guilty and sentenced to be hung just before I killed her. And do you s'pose I thought anything about it? If there'd been forty scaffolds right before my eyes I'd have brought down that poker just the same. I don't believe anyone thinks of gettin' hung when they do it; even if they did think of it they'd plan some way to get 'round it when they made up their mind to do the killin'. But they don't think much about it. I believe sometimes that the hangin' makes more killin'. Now look at them car-barn fellers; they just went out and killed people regardless, same as some men go out to shoot game. I don't believe they'd 've done it if it hadn't been so dangerous. And then you know when they hung the whole three of 'em at once, and one feller cut his own throat so as to cheat 'em, and they took him right up and hung him, too, though he was so weak they had to carry him onto the scaffold, and the doctors done ever'thing they could do to keep him from dyin' just so's they could hang him. Well, you know they hadn't any more'n finished them until another gang of young fellers commenced doin' just the same kind of thing, and they are in jail now for murder, and you know one of 'em came in here one day and looked at the other ones before he done the killin'. I half believe that all the fuss they made 'bout them fellers and hangin' 'em and printin' it all in the newspapers did more to make the other ones do it than anything else. But I s'pose there ain't no use hangin' 'em unless you put it all in the newspapers, for it won't scare anyone from doin' it unless people know they are hung.

"But, of course what I think about it don't make any difference, so I'd better hurry on. Well, after she fell over I stood still for a few minutes waitin' for her to get up. Of course I thought she'd get right up again, and mebbe come back at me. But she didn't move. Then I thought she was scarin' me, and I just sat down for a few minutes to show her that I wa'n't goin' to be fooled in no such way. Still she didn't stir. Then I commenced to be half scart and half mad. I didn't think it was right to try to make me believe I had done anything like that. So I said, 'When you've laid there long enough you'd better get up.' Then I said, 'What's the use of playin' theater, you can't fool me. I'm goin' to bed and when you get ready you can come along.' But I didn't go to bed; I just sat still a little longer, and then I stepped over by her head and looked down at it, and I thought it didn't look right, and then I was scart in earnest. Just then I heard the kid cry, and I didn't want him to come out, so I locked the outside door and took a good look to see that all the curtains was clear down, and went in to see the kid. I lit a candle in the bedroom and talked with him a little; told him ever'thing was all right and to go to sleep, and I'd come in again in a minute or two. Then I went back to the settin' room to see her.

"Before I looked at her face I looked down to her feet to see if maybe they hadn't moved, for I didn't want to look at her face if I

could help it. And I thought mebbe this would be the best way. But the feet was just where they was before; then I looked at her hands and they hadn't moved, so I knew I just had to look at her face. I hadn't examined her very close before, I was so scart, and I never could look at blood or dead folks, but of course this was different; so I got down on the floor close up to her face, and I seen the great welt along her forehead and top of her head and across the temple, and 'twas all covered with blood and a lot of it had got on the floor. Her eyes was wide open. I knew they didn't see anything. They looked just as if they'd been turned to glass, before she'd had time to shut 'em. I felt of her wrist to see if her pulse was goin'. At first I thought it wa'n't, and then I thought I felt it go a little, and I never felt so good in all my life. I pushed my finger down harder, but I couldn't get it again. Then I felt of her heart and it was just the same way. I leaned over to her ear, and asked her to please wake up, that I was awful sorry, and I didn't know what I was doin', and if she'd just speak I'd be good to her all my life and do ever'thing I could for her, and then I asked her to do it on account of the boy, but still she didn't move. Of course I was almost scart to death by this time; first I thought I'd call the neighbors and send for a doctor and then I thought that was no use. If she wa'n't dead I didn't need him, and if she was I must try to do somethin' so no one would find it out. Then I began to think what could be done to bring her to. I never had much experience with people that got hurt, except the ones I'd seen at the railroad, and I wa'n't just sure what to do with anyone in this fix. But I'd read somethin' about it somewhere, and so I went into the back room and drew some water into a pail and took an old cloth and got down on the floor and commenced washin' her head. But I couldn't see the first sign of life. Then I looked around for some whiskey and found a little in a bottle in the closet and poured some in her mouth, but it all run right out, and she didn't move.

"Of course I never went to school very much but no matter how good an education I had I don't s'pose I could tell you how I felt so you'd know it yourself. I never s'posed I'd do anything to get into any trouble, and I always thought I was different from criminals. But here I was in the house with her dead, and I'd killed her, and what would happen to me? I just pictured the head-lines in the newspapers and the boys callin' 'all about the Jackson murder,' and me tried for murder and hung, and the kid goin' 'round the rest of his life knowin' that his father had killed his mother and then got hung.

"At first I just set paralyzed and sort of held my head in my hands and moaned, and wondered if mebbe it wa'n't a dream and if I couldn't wake up, and then I thought I'd go and give myself up to the police and be done with it, and then I thought I might just as well kill myself, so I went and got an old razor, that I used to shave with sometimes, and tried to get up my nerve to cut my throat. But somehow I couldn't put the edge over my wind-pipe. I wish though now that I had. Did you ever try to kill yourself? Them people that say it's only cowards that kill themselves don't know what they're talkin' about. I'd like to see them try it once. I'd have killed myself only I didn't have the nerve. It wa'n't because I cared anything about livin'; but I just couldn't cut my own throat. Then I thought mebbe she wa'n't dead, and I'd look

again. So I done just the way I had before,—commenced at her feet to see if they'd moved, then when I got up to her hands I thought one of 'em had moved, and my heart just gave a great big jump. Then I remembered that I'd picked it up, when I'd felt for her pulse and had put it down in a different place. Then I looked up to her face and it was just the same. It was white as a sheet, all except the long red and black welt and the blood, and her eyes wide open, and lookin' right straight up to the ceilin' starin' just like a ghost. Then I felt of her hands and feet, and they was cold as ice and she was stiff, and I knew it was all off and she was dead.

"If you don't mind I'll just take a little more of that whiskey before I go on; the whole thing's been a little wearin' on me and I think it'll brace me up a bit. You'd better have some, too. That guard is a good feller, considerin' the place he's in. I believe if you hadn't come I'd told my story to him. I didn't feel as if I could go without tellin' someone how it really was. You see no one ever made the least bit of allowance for me in the trial, and I got tired of talkin' to my lawyer all the time. He always said that what I told him didn't amount to anything, and he was so well educated that he couldn't understand me anyhow.

"When I was sure that she was dead, I just throwed myself over on the floor, and laid my face flat down on my arm and give up. I'm sure I cried and I thought they could hear me next door, but I guess they didn't. Anyhow I cried without payin' any attention to 'em. I must have laid this way for ten or fifteen minutes without once lookin' up, and she was right close to me, and I could just reach out my hand and touch her. And I hadn't begun to think what I'd do. Then after I'd laid a while, I just thought mebbe I'd ought to pray. It had been a long while since I'd prayed. Of course, I hadn't paid much attention to such things when I was all right; I guess there ain't many people that does, except women and children, but I always really believed in it, just the same as I do now. I kind of thought that God knew that I wasn't wicked enough to kill her, and have all this trouble, and bring all that misery on the kid; so I thought I'd try him. I didn't know much about prayers except only the ones I'd learnt long ago, and they didn't any of 'em seem to fit this case. But I didn't need to know any prayers; I just got down on my knees and prayed myself. I begged God to have her come back; I told him how good she was, and how the boy needed her and what a hard time I'd always had, same as I told you, only not near so long, and I apologized the best I could for not goin' to church more reg'lar and not ever prayin' to him, and I asked him to forgive me for the time I kicked her, and the other things I'd done, and I promised if he only would let her come back I'd always be good and take care of her and the boy, and never do anything wrong and always go to church and confessional, and love God and Jesus and the Virgin and all the saints, and quit politics and drinkin', and do right. I prayed and prayed, and I meant it all, too. And I don't believe it was all for myself, 'though I s'pose most of it was, but I really felt awful sorry for her, as I have ever since, and I felt awful sorry for the boy, who never had anything at all to do about it all.

"Then after I quit prayin' I got up slow, thinkin' that it might have

done some good, and that mebbe she'd be all right, so I started in, just as I had before, with her feet to see if they'd moved. I s'pose the reason I done this way was that if I saw her head first and knew she was dead 'twould be all off the first thing; and when I commenced with her feet I always had some hope till I got clear up to her head. Well, her feet hadn't moved a bit. Then I went to her hands, and they was just in the same place, and I began to feel it wa'n't any use to look at her head; but I did. And there it was just as white as that plaster-Paris lady, and her eyes lookin' straight up.

"Then I felt sure 'twas all off. I'd done everything I could think of, and I'd prayed just as hard as I knew how, and I was sure no one ever meant it more'n I did or wanted it any more, and I knew, of course, God had seen the whole thing and could do it if he wanted to and that he didn't want to, and that she was clear dead. I kind of half set and half laid down on the floor a little while longer, tryin' to think about it and what I was goin' to do. But I couldn't make any plans; I kep' thinkin' about how it had all happened, and it begun to seem as if it wa'n't really me that hit her with the poker, but as if both of us was somebody else and I was sort of dreamin' about it all. Ain't you ever had them kind of feelin's when somethin' awful has happened? But, of course, nothin' like that ever happened to you. I thought most about that beefsteak, and how I stopped and bought it, and didn't go in and get a drink, and all the time it seemed to me just as if that was where I made my big mistake. And then I thought how awful near I come to goin' into the saloon instead of the butcher-shop, and then some of the time I'd kind of feel as if mebbe I was goin' into the saloon after all, and it wa'n't goin' to happen. Don't you know how it is when anybody's died or anything happened? You think about everything that's done, so as to see if mebbe you can't make it come out some other way after all? Well, that's the way I done about every little thing, and every word we both spoke till I hit her with the poker. Another thing where I almost missed killin' her was that poker; that coal pail didn't belong in the settin' room at all, but ought to have been in the kitchen, and I don't know how it ever got in there. Mebbe the boy lugged it in for a drum. You know he didn't have many playthings, or mebbe she started a little fire in the settin' room, for 'twas the first cold day. I don't see how it could have been that either, for she was washin' that day and wouldn't have any time to set in there. But I don't know as it makes any difference; the coal pail was in the settin' room and the poker was in the pail, and they was right before my eyes at the time. If they hadn't been I never would've used the poker. When she stood up and told me to kill her, I'd most likely struck her with my fists and that would only knocked her down. But anyhow it didn't do any good to go over it, for I couldn't go into the saloon instead of the butcher-shop, and I couldn't get that coal pail out of the settin' room, and it had all been done—and she was dead! And I'd killed her! After I'd went over this a long time I made myself stop so I could do somethin' that would be some use, for I knew there was lots to be done before mornin', and I hadn't a minute to lose. I knew I must get up off'n the floor and try to act like a man, and not give up, no matter how bad it was. But before I got up I thought I'd just take one more look to make sure that there wa'n't no use. So I

went over her again, just as I'd done before, and it came out the same way anyhow. I didn't much think it was any use then and would've just about as soon begun at the head and got through with it right away.

"After I had looked her over again I got up and set down in a chair to make up my mind what to do. I hadn't been there very long when I knew I couldn't figure it out; 'twas too much for me the way I was, and so I thought I'd just quit tryin' and do a few things first. And then I wondered what time 'twas. I hadn't thought anything about the time before, but I s'posed it must be almost mornin' for just then I heard an express wagon drive along the street, and anyhow it seemed an awful long while since I got home. The clock was right up on the mantelpiece and tickin' loud, but I hadn't thought of lookin' at it before and didn't even know it was in the room. I looked up and seen it was goin' and that 'twas only a quarter to twelve. I was surprised that it wa'n't no later, and wondered how it could be, and just then it struck and I kind of kep' count because I was sort of thinkin' of the clock and it stopped strikin' at nine. Then I thought somethin' must be wrong with the clock too, and I looked back again and seen that I'd made a mistake in the hands and 'twas only nine o'clock. I couldn't believe this was so, but the clock was goin' all right. Then I kind of braced up a little and thought what was to be done. First, I looked 'round the room. I told you, didn't I, that we et in the settin' room? It was a settin' room and a dinin' room both. Sometimes we et in the kitchen, but that was pretty small. The table stood there with the dirty dishes just as we'd got through eatin'. There was the plates and knives and forks, and the teacups and the big platter with some of that steak left, and the gravy gettin' kind of hard like lard all 'round it. The coal pail was there and standin' 'round the table where we'd set to eat, except the rockin' chair which was over by the stove. I looked at all them things, and then I looked down at the floor, and there she lay with her head over toward the closet door and her feet up almost under the table. It was an awful sight to look at her on the floor, but there wa'n't nothin' else to do, so I looked her all over as careful as I had before, then I got kind of scart; I hadn't never been in a room alone with anyone that was dead, except at the morgue; but, of course, this was worse than anything of that kind. I'd always heard more or less about ghosts and haunted houses and things like that, and didn't believe anything of the kind, but they seemed to come back now when I looked over where she was layin'. I was afraid of ever'thing, not of people but of ghosts and things I couldn't tell nothin' about. I knew she was dead and must have gone somewhere, and most likely she was right 'round here either in the bedroom lookin' at the boy or out here seein' how I felt and what I was goin' to do with her. Just then I heard somethin' move over by the closet and it scart me almost to death. I knew it must be her and couldn't bear to see her unless she could come to life on the floor. Finally I looked around to where I heard the noise and then I seen it was the curtain; the window was down a little at the top. I went and put up the window, and then hated to turn 'round and look back where she lay. Then I went to the bedroom door and opened it about half way just so the light wouldn't fall on the bed and wake him up, but so I could hear him breathe and it wouldn't be quite so lonesome. Ever'thing was awful still and like a

ghost except the clock, after I got to thinkin' of it. Then it ticked so loud I was almost 'fraid they'd hear it in the next house. When I got the bedroom door open I thought I must do somethin' about her and the room before I made up my mind what plan to take about myself.

"First I went and hunted up the cat. I'd always heard about that, so I went into the kitchen and there she was sleepin' under the stove. I couldn't help wishin' I was the cat, although I had never thought of any such thing before. Then I took her in my hand and went to the outside door and threw her out in the yard and shut the door tight. Then I came back in the settin' room and thought about what had to be done. I looked over again at her and then I saw her eyes still lookin' right up at the ceilin', and round and shinin' like glass marbles. I thought that wa'n't the way they ought to be and that all the dead folks I'd ever seen had their eyes shut. So I went over and got down by her head and kind of pushed the lids over her eyes, same as I'd always heard they did, and put some nickels on 'em to keep 'em down. I don't know how I done it, but I felt as if it had to be done, and, of course, they wa'n't no one else to do it, and nobody knows what they can do until they have to. And then I saw that there was a good deal of blood on her face, and I wanted her to look decent though I didn't know then what would be done with her, and I went into the kitchen to the sink and got a pan of water and some soap and an old towel, and washed all the blood off that I could find, and wiped her face careful to make her look as well as I could. Once or twice while I was doin' it I kind of felt down to her heart, but I knew it wa'n't no use. Still I thought it couldn't do any hurt, and that God might've thought I wa'n't scart enough so he waited; but I didn't feel nothin' there. Then I kind of smoothed back her hair like I'd seen her do sometimes. 'Twas all scattered round on the floor and pretty full of blood. I couldn't very well get the blood out, but I fixed the hair all back together the best I could. Then I noticed that her jaw kind of hung down and I pushed it up and tied a towel around it to keep it there, and then she looked pretty well, except that great long gash over her face and head where the poker went.

"Then I thought I'd have to fix up the room and the floor a little bit. I sort of pushed back the chairs and the table so I could get a little more room, and then moved her a little way and straightened her out some. First before I moved her I got that paper I'd been readin' and laid it on the floor and then I took up her shoulders and lifted 'em over to one side and laid her head on the paper. Then I moved the rest of her over to match her head and shoulders. There was a lot of blood on the floor where she'd been, and I knew I had to do somethin' about that.

"There was a nice Japanese rug on the floor, and her head had struck just on the edge of it over by the door. I'd bought her the rug for a Christmas present last year, and she liked it better'n anything she had in the house, but it was beginnin' to wear out some. A part of the blood was on the floor and a part on the rug. So I went and got another pan of water and the soap and towel and washed the floor; then I washed the rug the best I could, and lifted it up and washed in under it, and then threw away the water and got some more and washed it all over again. When I seen that the last water was a little bloody I thought mebbe I'd better go over it again, so I got some more water and went over

it the third time, then I threw the water out and washed the towel as good as I could, and went back in and looked 'round the room to see if there was anything else to do. Just then I noticed the poker that I hadn't thought of before. I took it to the kitchen and washed it all over and then dried it and then put it in the stove and covered it with ashes, and then laid it down on the hearth; then I went back in and seen that ever'thing was finished and that she was all right, and there wa'n't nothin' to do except to make my plans. But before I go on and tell you what I done with her, let me speak to the guard a minute."

Hank and Jim got up once more and looked out through the bars. The guard was still sitting on the stool and asked what he could do.

"What time is it?" said Jim.

"Oh, it's early yet, only a little after twelve," he replied. "Wouldn't you like a little more whiskey? I've got another bottle here, and I can get all I want down to the office. If I was you I'd drink it. I don't think whiskey does any hurt. I'm always arguing with that other guard about it. He's bug-house on whiskey."

Jim took the whiskey and then turning to the guard, with an anxious face, said, "You're sure nothin' has come for me?"

"No, there's nothin' come." But after a few minutes he added, "I'll go over to the telephone pretty soon and call up the telegraph office and make sure."

Jim's face brightened a little at this. "I'm much obliged. It might be sent to me, and it might be sent to the jailer or the sheriff. You'd better ask for all of us."

VI

THAT whiskey makes me feel better. I've been takin' a good deal tonight and I s'pose I'll take more in the mornin'. That's one reason why I'm drinkin' so much now. First I thought I wouldn't take any tomorrow—or—I guess it's today, ain't it? It don't seem possible; but I s'pose it is. I thought I'd show the newspapers and people that's been tellin' what a coward I was to kill a woman! but now I think I'll take all I possibly can. I guess that's the best way. It don't make no difference—if I take it they'll say I'm a coward and if I don't, it's only bravado. Most people takes so much that they almost have to be carried up, and they don't hardly know. I guess that's the best way. Some people take somethin' to have a tooth pulled, and I don't see why they shouldn't for a thing like this. Mebbe the whiskey makes me talk more'n I meant to, and tell you a lot of things that hain't nothin' to do with the case, but it's pretty hard for me to tell what has and what hain't.

"After I got her laid out and the floor cleaned, I set down a minute to think what I'd do next. First I thought I'd go in and get the kid and take him away, and leave her there, and I guess now that would have been the best way, and they wouldn't found it out so quick. But then I thought the people next door, or the postman, or milkman, or somebody, would come along in the mornin' and find her there, and I couldn't get far with the kid. Besides I only had about ten dollars and I knew that wouldn't last long. Then I thought I'd just go out and jump onto one of the freight trains they was makin' up in the yards, and leave her and the kid both; then I couldn't bear to think of him wakin' up and comin' out into the settin' room and findin' her there. He wouldn't know what it meant and would be scart to death and 'twouldn't be right. Then so long as I couldn't do either one, I had to get her out, but I didn't know how to do it, and what was I goin' to do with her when I got her out. First I thought I'd try to put her in the sewer, and then I knew someone would find her there for that had been tried before; then I studied to see what else I could think of.

"Finally I happened to remember a place she and I went once picnickin', just after we was married. I don't know how I happened to remember it, 'cept that I couldn't think of anything to do, and then I was kind of goin' over our life, and it seemed as if that was the nicest day we ever had. One of the boys had been tellin' me about the new street car lines that run way off down through Pullman and South Chicago, and out into the country, and how nice it was out there away from all the houses. So one Sunday we went over to the street cars and started out. I don't know whether we found the right place or not, but I remember just when we was goin' to turn somewhere to go to Pullman or South Chicago we saw

some trees off in a field, and thought that would be a nice place to go and set in the shade and eat the lunch we'd brought along. So we went over under the trees, and then I saw some rock further over, and then she and I went over where they was and there was a great deep pond with big stones all 'round the edge. I heard that it was an old stone quarry that had got filled up with water. But it was awful deep and big, and we set down under a little tree on top of one of them big rocks and let our feet hang over the sides, and the water was way down below, and I said to her just in fun, 'Now, if I wanted to get rid of you, I could just push you over here and no one would ever know anything about it.' She kind of laughed at the idea and said if I ever wanted to get rid of her I wouldn't have to push her off any rock, that she'd go and jump in somewhere herself, and I told her if I ever wanted her to I'd let her know, and for her to just wait till I did. And we went all 'round the pond, and I threw stones in it and tried to see how near across I could throw, and we stayed 'round until it was time to take the car and go home. And I don't believe I ever had a better time. Now and then when we was friendly or had got over a fight, we used to talk about goin' back there again, but we never did.

"Well, after thinkin' of ever'thing I could, I made up my mind that the best thing was for me to put her on the express wagon and take her out there, if I could find the place. I didn't believe anybody would ever know anything about it, and if they did 'twould be a long time and they wouldn't know who she was.

"Then I thought it might be dangerous gettin' her out of the house and gettin' the wagon out on the street that time of night. If anyone seen us they'd be suspicious and want to know what I was doin', and then I was afraid the policeman would be watchin' for suspicious people and things along the street. But I didn't see anything else to do, and I knew I had to take chances anyway and would most likely get caught in the end. I looked at the clock and found 'twas only ten, and I felt as if that was too early to start out. The people next door wouldn't be abed and if they ever saw me carryin' her out they couldn't help noticin' it. So I set down and waited. You hain't no idea how slow the time goes in such a case. I just set and heard that clock tick, and the boy breathin' in the other room; it seemed as if every tick was just fetchin' me that much nearer to the end—and I s'pose mebbe that's so, whether we've killed anyone or not, but you don't never think of it unless it's some place where you're waitin' for someone to die, or somethin' like that. Then of course I kept thinkin' of ever'thing in my whole life, and I went over again how I'd done it, but I couldn't make it come out any different no matter how hard I tried.

"Then I wondered what I was goin' to do next, and how long 'twould be before they'd ketch me, and if I'd stand any show to get out, if I got ketched. Of course, I thought I'd have to run away. I never seemed to think of anything but that. I guess ever'body runs away when they do any such thing; 'tain't so much bein' safer, but they want to get away. It don't seem as if they'd ever be any

chance anymore where it's done. But I couldn't just figger out where to go. Of course, I knew I'd take the cars. There ain't any other way to travel if you want to go quick. Then I thought I'd have a long enough time to figger it out while I was takin' that drive down across the prairie. Anyhow I'd need somethin' to think about while I was goin'.

"That feller that talked to us in the jail said the real reason why they hung people and locked 'em up was to get even with 'em, to make 'em suffer because they'd done somethin'. He said all the smart men who'd studied books claimed that hangin' and punishin' didn't keep other people from doin' things. But if it's done to make anyone suffer they ain't any use in doin' it at all. I never suffered so much since as I did when I was settin' there and thinkin' all about it, and what I was goin' to do, and what would become of the kid, and how she was dead, and ever'thing else. You know it takes quite a while to get used to a thing like that, and while I was settin' there beginnin' to realize what it all meant, it was awful! If I'd only had the nerve I'd just cut my throat and fell right over alongside of her. A good many people does that and I wish I could 've. But every time I thought of it I kind of hung back. I don't ever want any more such nights; I'd rather they'd hang me and be done with it. I didn't suffer so much when I was runnin' away or gettin' caught, or bein' tried; even when I was waitin' for the verdict to come in; nor I didn't suffer so much waitin' for the Supreme Court or the Governor, or even since they give up hope and I can hear 'em puttin' that thing up over there in the court-yard.

"I don't s'pose hangin' will hurt so very much after all. The main thing is, I want 'em to hurry after they start out. Of course, I'll be pretty drunk, and won't know much about what they're doin', and I don't s'pose they'll take long after I put on them clothes until it's all over. Goin' from here to the place won't hurt, though I s'pose it'll be pretty hard work walkin' up the ladder and seein' that rope hangin' over the beam, and knowin' what it's for. But I s'pose they'll help me up. And then strappin' my hands and feet'll take some time. But they don't need to do that with me for I shan't do a thing;—still mebbe if they didn't I'd kind of grab at the rope when they knocked the door out from under my feet. I might do that without knowin' it. So I s'pose it's just as well. It must be kind of sickish when they tie the rope 'round your neck, and when they pull that cap over your head, and you know you ain't never goin' to see anything again. I don't s'pose they'll wait long after that; they oughtn't to. You won't feel anything when you're fallin' down through, but it must hurt when you're pulled up short by the neck. But that can't last long, can it? They do say the fellers kicks a good deal after they're hung, but the doctors say they don't really feel it, and I s'pose they know, but I don't see how they can all be so smart about ever'thing; they hain't never been hung.

"I s'pose the priest will be here; he's a trump, and I think more of him than I ever did before. He's been a great help to me, and I don't know what I'd done without him. Of course, he talks religion

to me, but he's kind of cheerful and ain't always making out that I'm so much worse than anyone else ever was. I ain't much afraid 'bout God; somehow I kind of feel as if He knows that I've always had a pretty tough time, and that He'll make allowances on account of a lot of them things that the judge ruled out, and He knows how I've suffered about it all and how sorry I be for her and the kid, and He'll give me a fair show. Still sometimes I can't help wonderin' if mebbe there ain't nothin' in all of it, and if I hain't got through when my wind's shut off. Well, 'scuse me, I didn't want to make you feel bad, but I've thought about it so much and gone over it so many times that it don't seem as if it was me, but that someone else was goin' to get hung; but I hain't no right to tell it to anybody else, and I didn't mean to.

"Well, I set there and waited and waited, until about eleven o'clock, and then I thought mebbe 'twould be safe enough to start. just then the boy woke up, and I heard him say 'Mamma,' and it kind of gave me a start, and I hurried in and asked him what he wanted and he said he wanted a drink of water, and I came out to the kitchen sink and got it and took it back and gave it to him. Then he asked me what time it was, and I told him about eleven o'clock, and he asked me why I had my clothes on and where mamma was, and I told him we hadn't gone to bed yet, and for him to turn over and go to sleep, and he said a few more words and then dropped off

"Then I went out to the barn to hitch up the rig. The horse was layin' down asleep, and I felt kind of mean to wake him, for I knew he was about played out anyhow; but it couldn't be helped, so I got him up and put on the harness. I s'pose he didn't know much about the time, and thought he was goin' down to Water Street after a load of potatoes. I didn't bring any lantern; I knew the barn so well I could hitch up in the dark. Then I took the hay off'n the potatoes and put it in the bottom of the wagon to lay her on, and then run the wagon out and turned it 'round and backed it in again. I 'most always hitched up outside the barn for there was more room outdoors, but I didn't want to be out there any more'n I could help, so I thought I'd get all ready in the barn so I could just drive away.

"Well, I got the horse all harnessed and the bits in his mouth, and ever'thing ready to hitch up, and then went back in the house. I'd been thinkin' that I'd better take one more look, not that 'twould do any good but just because it might. You know when you've lost a knife, or a quarter, or anything, and you look through all your pockets and find it 'tain't there, and then go back and look through all of 'em again and don't find it; then you ain't satisfied with that and mebbe you keep a lookin' through 'em all day, even when you know 'tain't there. Well, that's the way I felt about her, only I s'pose a good deal worse, so when I got in I looked her over again just the same way's I had before. I felt for her pulse and her heart but 'twa'n't no use. Then I got my old overcoat and my hat and got ready to start, but before I left I thought I'd just look out once to see if the folks in the next house was abed, and I found they wa'n't,

for there was a light in the kitchen right next to mine, and I knew 'twould never do to carry that kind of a bundle out the back door while they was up. So I waited a little while until the light went out and ever'thing was still, and then put on my coat and hat and picked her up in my arms. It was an awful hard thing to do, but there wa'n't nothin' else for it, so I just kind of took my mind off'n it and picked her up. When I got her kind of in my arms one of her arms sort of fell over, and her legs kind of hung down like they was wood, and then I see I had to fasten 'em some way or I couldn't never carry her. It wa'n't like a live person that can stay right where they want to; it was more like carryin' an arm full of wood that would scatter all around unless you get it held tight.

"Then I laid her down and found some string and tied her arms tight around her body, and then fastened her ankles together. Then I went into the bedroom and got a quilt off'n our bed and rolled her up in that. You know at my trial they made out that 'twas bad for me to tie her that way, and if I hadn't been awful wicked I wouldn't have done it. But I can't see anything in that; there wa'n't no other way to do it. Then they said it was awful bad the way I took her off and the place I dumped her, and the newspapers made that out one of the worst things about it all; but I tried to think up something else to do and I couldn't, and there she was dead, and I had to do the best I could. I washed her and fixed her all up before I went away, and if there'd been anything else I could have done I know I would.

"When I got her fixed up, I went to the door and looked out, and I saw some drunken fellers goin' along in the alley, so I waited a minute for them; and then I got her in my arms and opened the door and then turned off the light and went out and shut the door as soft as I could. It wa'n't but a few steps to the barn, but I hurried as fast as I could, and just as I was takin' the first step I heard the most unearthly screech that scart me so I 'most dropped her; but in a minute I knew it was only a train pullin' into the yards and I hurried to get to the barn before the engine come up.

"Well, I guess nobody saw me, and I got her in the wagon and laid her on the hay. I fixed her head to the end and her feet reachin' up under the seat. I didn't want her head so near me in that long drive down over the prairie. Then I covered her up the best I could with one of the old horse blankets, so it wouldn't look suspicious if anyone seen me.

"I tell you it was awful pokerish out there in the barn, worse than in the house, for I had a light there. I didn't want to stay in the barn a minute longer than I could help, so I hurried and hitched the old horse onto the wagon, then went out to the alley and looked up and down to see if anyone was there. Then I got on the seat and put a blanket around me and drove off. I was afraid the neighbors would notice me drive out of the barn, but they didn't. The moon hadn't quite got up and there couldn't anyone see unless they was right close. When I got about a block away I seen a policeman

walkin' 'long the street and goin' up to pull a box. Of course I was scart; he looked at me kind of suspicious like, and looked at the wagon to see what was in there, but it was rather dark and I braced up the best I could and drove right 'long and he didn't say nothin'. Then I found a lot of fellers that was comin' down the street makin' a lot of noise. They was a gang of politicians that had been goin' round to the saloons and was pretty full. I was afraid some of 'em might know me, but they didn't pay any attention and I went along up to the corner of Halsted and turned south. I knew Halsted was a pretty public street, but the roads was better and I had a long way to go, so I thought I might just as well chance that.

"I got along down about Twenty-ninth Street and met a gang of fellers that was makin' a lot of noise singin' and talkin', and braggin' and tellin' what they could do. I was a little 'fraid of 'em, not because I thought they'd hurt me, but I didn't know but what they'd see what was in the wagon. When I come up to 'em they told me to stop, that they was the 'Bridgeport threshers' and no one had any right there but them, and they wanted to know what reason I had to be out at that time o' night. I told 'em I was just gettin' home, that I'd been kep' late up town. Then one of 'em said, 'What you got in the wagon?' and I said, 'Potatoes.' Then one feller said, 'Let's see 'em,' and started for the wagon. But another one spoke up and said, 'Oh, Bill, leave him alone, he's all right.' And then they all started up another road and went away. That was a pretty narrow escape and I was 'most scart to death for fear they'd look under the blanket. I met a good many teams but nothin' more happened till I got down to Fifty-fifth Street Boulevard, where I turned east to go over to the Vincennes road.

"By this time the moon had come up and it was about as light as day. It had stopped snowin' and the wind had gone down but it was awful cold. I never saw a nicer night. You could see everything almost as well as daylight. I hurried the old horse as much as I could, but he couldn't go fast. He hadn't got much rested from the day before. Every once in a while I looked back at the load. I kind of hated to look, but I couldn't help it. The blanket commenced to kind of take her shape so it looked to me as if anyone would know that someone was under there. So I got out and moved the blanket and fixed it up more on one side. But I didn't look at her. Then I drove on across to Vincennes road and turned south. Every once in a while I'd meet someone, and I was afraid all the time that something would happen, but it didn't and I drove on. The moon got clear up high and I could see everything on the road and around the wagon, and see where her feet came through under the seat and almost touched mine, and could see all the horse blanket that covered her up. I hadn't got far down the Vincennes road until I thought the blanket had changed its shape and was lookin' just like her again so I got out and fixed it up and went back and drove on.

"While I was goin' 'long I kep' thinkin' what I was goin' to do and I s'pose it was the cold that made me think I'd better go south. I always did hate cold weather, and this winter I thought I'd have

to stay out and run 'round from one place to another, if I didn't get caught the first thing.

"Then I thought I must take the horse and wagon back home, and I wanted to see that the boy was all right; so I thought it might bother me to go clear out to that quarry and get away from Chicago before daylight. But anyhow I could go until one o'clock and then get back by three, and probably ketch a train before mornin'.

"After a while I begun to have a queer idea about her. I thought I could feel her lookin' right at me,—kind of feel her eyes. I drove on, and said it was all bosh and she couldn't do it, and I looked down at her feet and I seen they was in the same place, but still I couldn't get over that feelin'. I thought she was lookin' at me all the time, and I kind of 'magined I could hear her say, 'Where 're you takin' me? Where are you takin' me? Where are you takin' me?' just about the same as when she said, 'Kill me! Kill me! Kill me!' and no matter what I done, or how hard I tried, I could feel her lookin' and hear them words in my ears.

"By this time I was gettin' 'way down the Vincennes road. You know it gets wide 'way down south, and it ain't much built up nor very well paved. There's a lot of road-houses along the street; most of 'em was open and a good many fellers was 'round 'em, just as they always is 'round saloons. I'd like to have had a drink, for I was awful cold and scart, but I didn't dare go in, though I did stop at a waterin'-trough in front of one of the places and watered the horse. He was pretty well blowed and was hot. I had urged him pretty hard and the road was heavy. Wherever there was mud it was frozen so stiff that it could almost hold up, and still let you break through, the very worse kind of roads for a horse to go on.

"After I got him watered I went on and kep' meetin' lots of wagons. I never had no idea how many people traveled nights before. I s'posed I wouldn't see anyone, but I met a wagon ever' little ways and I was always afraid when I passed 'em. A great many of 'em hollered out, 'Hello, pardner,' or 'What you got to sell,' or anything, to be sociable, and I would holler back the best I could, generally stickin' to 'Potatoes,' when they asked me about my load. I thought I knew potatoes better'n anything else, and would be more at home with 'em if anything was said.

"I hadn't got far after I watered the horse before her eyes began to bother me again. Then I kept hearin' them words plainer than I had before. Then I got to thinkin' about all the things I had heard and read about people who were dead, and about murders, and that seemed to make it worse'n ever. Then I began to think of the things I'd read about people that were put away for dead, when they wa'n't dead at all, and about mesmerism, and hypnotism, and Christian Science, but I knew none of them things was done the way she'd been killed. Then I remembered about trances, and how people was give up for dead sometimes for days, and even buried and then come to life, and about how people had dug up old graveyards and found out where lots of people had moved around after they's dead. And then I thought I heard her say, 'You thought

you'd killed me! You thought you'd killed me! You thought you'd killed me!' And the further I went the plainer it sounded. Finally I began to think 'twas so and of course I hoped it was, and I kep' thinkin' it more'n more and couldn't get it out of my head. Of course, I looked around at the houses and the trees and fences and at the moon. It had clouded up a little with them kind of lightish heavy clouds you've seen that run so fast; they was just flyin' along over the sky and across the moon, and I was wishin' I could go 'long with 'em and get away from it all, and then the voice would come back, 'Where are you takin' me? Where are you takin' me Where are you takin' me? You thought you'd killed me! You thought you'd killed me! You thought you'd killed me!' And I felt so sure she wa'n't dead that I couldn't stand it any more, and I looked at her feet, but they hadn't moved, and then I stopped the horse and got off'n the wagon and went back to the hind end and lifted up the blanket kind of slow. For I felt as if I'd stand more chance that way than if I did it all at once, and I got the blanket up, and then I got hold of the quilt just by the edge and kind of pulled it back so as to uncover her face, and just then the moon came out from behind a cloud and shone right down in her face, almost like day, and she looked just as white as a ghost, and the bandage had come off her jaw and it hung clear down, and her mouth was open, and I knew she was dead.

"Then I threw the things back and jumped onto the wagon, half crazy, and hurried on.

"It was gettin' now where there wa'n't no more houses, and I hardly ever met any teams, and I was gettin' clear out on the prairies, and I looked at my old silver watch and saw it was close to one o'clock, and I thought mebbe I might just as well get through with it now as to wait any longer. So I looked along at the fields to find a good place, and after a while I saw where there was a great big field full of hummocks. It looked as if they'd been diggin' for gravel or somethin' of that kind, and I thought that was as good a place as any. So I looked up and down the road, and saw no one comin', and I drove the old horse up in the fence corner and got off the wagon, and then I fixed a good place to get over, and fastened the quilt a little better, and took her in my arms and started as fast as ever I could. I went past the fence and run over to the first hummock, but the hole didn't look very deep, and there was some more further over. So I went to them, but they wa'n't deep enough either. Then I looked 'round and saw one bigger'n the rest and went there. I laid her down and looked over. The moon was shinin' all right, and I could see that the hole was pretty big and deep. I laid her down lengthwise 'long the bank, and then took one more feel of her heart and 'twas just the same. Then I fastened the quilt a little tighter, lifted her clear over to the edge, and held her head and feet in a straight line so she'd roll down the hill all right, and then I give her a shove and turned and run away."

VII

WELL, I hadn't any more'n started to run till I heard a splash and I knew she'd got to the water all right and there wa'n't nothin' for me to do but hurry home.

"I went right back to the wagon and climbed upon the seat and turned 'round. The old horse was pretty tired but he seemed some encouraged, bein' as he'd turned home. Horses always does, no matter how poor a place they has to stay. I urged him 'long just as fast as I could; didn't stop for nothin' except to give him some water at a trough down on Halstead Street, and went right home. Then I put him in the stable and took care of him, and throwed some hay in the manger. So long as I hadn't any oats I emptied about a bushel of potatoes in with the hay. I thought they wouldn't be any use to me any more, and they'd keep him quiet a while and mebbe do him some good.

"Then I went in the house, and struck a match and lit the lamp. I didn't 'low to stay long for I'd got my plans all thought out comin' home, but I just wanted to look into the room and see the kid. I glanced 'round and ever'thing seemed all right, except I thought I'd better take the coal pail out in the kitchen. Then I looked at the floor and the rug and I couldn't see no blood; and the water had pretty near dried up. Then I opened the bedroom door and looked at the kid. He was sleepin' all right, just as if he hadn't been awake once all night. He was layin' on one side with his face lookin' out toward me, and was kind of smilin' pleasant-like and his hair was all sweaty and curly. You've seen the kid. You know he's got white curly hair just as fine as silk. That's one thing he got from her.

"Well, I couldn't hardly bear to go away and leave him, but there wa'n't nothin' else to do. I guess I would have kissed him if I hadn't been 'fraid he'd wake up, but I never was much for kissin'; kissin' depen's a good deal on how you're raised. I guess rich people kiss a good deal more'n poor people, as a general rule, but I don't know as they think any more of their children. Well, I just looked at him a minute and shut the door and went out. Then I noticed the whiskey bottle on the table that I brought out to try to wake her; I hadn't thought of it before; and I picked it up and drank what was left, and turned and blew out the lamp and went away. That's the last I ever seen of the kid, or the house.

"I went right over to the yards to see about trains. There wa'n't nothin' standin' 'round there and I didn't like to ask any questions, so I went down to the other end and see 'em switchin' some cars as if they was makin' up a train, and I walked out in the shadow of a fence until they'd got it all made up and I felt pretty sure 'twas goin' south. I knew them cars and engines pretty well. Then I jumped in a box car that was about in the middle of the train. There was a great big machine of some kind in the car, so there was plenty of

room left for me, and I snuggled down in one corner and dozed off. I don't think I'd been sleepin' long till a brakeman come past with a lantern and asked me who I was and where I was goin'. I told him I was goin' south to get a job, and wanted to get down as far as Georgia if I could, for my lungs wa'n't strong and the doctors had advised a change of climate. I had read about the doctors advisin' rich people to have a change of climate, but of course I hadn't ever heard of their tellin' the poor to do any such thing. I s'pose because it wouldn't do no good and they couldn't afford to leave their jobs and go. But I didn't see why that wasn't a good excuse. He asked me if I had any whiskey or tobacco, and I said no, and he told me that I oughtn't to get on a train without whiskey or tobacco, and I promised not to again, and then he let me go.

"It was just gettin' streaks of light in the east, and I thought I might as well go ahead and prob'ly I'd better ride till noon anyhow, as nothin' much could happen before that time. Then I went off to sleep again. The sun was pretty high before I woke up. I looked at my watch to see what time it was but found I'd forgot to wind it the night before and it had run down. Well, I concluded it was just as safe to stay on the car so long as it was goin' south and so I didn't get off all day, except to run over to a grocery when the train stopped once and get some crackers and a few cigars. I thought I'd have 'em when the brakeman come 'round, and then I fixed myself for the night. I was pretty well beat out and didn't have much trouble goin' to sleep, though of course I couldn't get it out of my head any of the time, and would wake up once in a while and wonder if it wa'n't all a dream till I found myself again and knew it was all true.

"I'd found out that the car I was in was goin' to Mississippi and made out that it was for some saw mill down there. It was switched 'round once or twice in the day, and I think once in the night, and was put on other trains, and the new brakeman had come 'round at different times. After I got the cigars I gave 'em one whenever they come 'round and this kep' 'em pretty good natured. And so long as the car had switched off and I made up my mind they wouldn't find her the first day, I thought mebbe I'd better stay right in it and go to Mississippi. I didn't know nothin' 'bout Mississippi, except that it was south and a long ways off and settled with niggers, and that they made lumber down there. I used to see a good many cars from Mississippi when I was switchin' in the yards. The car was switched off quite a bit, and didn't go very fast, and it was four days before they landed it in Mississippi.

"They stopped right in the middle of the woods, and I made up my mind that this was about as good a place to stay as anywhere, if I could get a job, and I thought it wouldn't be a bad plan to try where they was sendin' the machine. It had been so easy for me to get down to Mississippi that I began to think that mebbe my luck had changed, and that the Lord had punished me all he was goin' to. So I went up to the mill and asked for a job. The foreman told me he'd give me one if I didn't mind workin' with niggers. I told him I didn't care anything 'bout that, I guessed they was as good as I was.

So I started in. My whiskers was beginnin' to grow out some. You know I always kep' 'em shaved off, and now they was comin' out all over my face, and I made up my mind to let 'em grow. I went to work loadin' saw logs onto a little car that took 'em down into the mill. A great big stout nigger worked with me, and we took long poles and rolled the logs over onto the cars, and then it was rolled down into the mill and another one come up in its place. I found the only chance to board was in the big buildin' where all the hands lived. I thought this wa'n't a bad place. Most of the people boardin' there was niggers, but there was a few white fellers, and I naturally got acquainted with 'em.

"I'd been there a week or two when someone brought a Chicago paper into the house. It was covered with great big headlines and had my picture on the front page. It told all 'bout some boys findin' her and about the neighbors hearin' me call her a damned bitch, and about the kid wakin' up in the mornin' and goin' out in the street to hunt its ma. Then it offered a thousand dollars reward in great big letters.

"My whiskers had grown out a good deal and I didn't look so very much like the picture. Anyhow I don't think newspaper pictures look much like anybody. Still, of course, I was awful scart at that. My best chum read the piece all over out loud to me after we got through work, and he said it beat all what a place Chicago was; that such things as that was always happenin' in Chicago; and that Jackson must have been an awful bad man—wouldn't I hate to meet him out in the woods some place! A man like that would rather kill anybody than eat. I didn't say much about it, but of course I didn't contradict him. But I simply couldn't talk very much myself. He said he wished he could get the one thousand dollars, but no such luck would ever come to him.

"When I'd come there I said my name was Jones, because 'twas the easiest one I could think of; there was a butcher right near us that was named Jones, and it popped into my head at the time. Some of 'em asked me where I was from, and I told 'em Cincinnati. I didn't know much about Cincinnati, except that we used to get cars from there, and so I knew something 'bout the roads that went to it. I managed to get hold of the paper and burn it up without anyone seein' me. But after it came I didn't feel so easy as I did before. I stayed there about a month workin' at the mill and pickin' up what I could about the country, and then I began to think my chum was gettin' suspicious of me. He kep' askin' me a good many questions about what I'd worked at and where'bouts I had worked, and how I got there from Cincinnati and a lot of questions about the town, and I thought he was altogether too inquisitive, and of course I would have told him so if I had dared. Finally I thought the other fellers was gettin' suspicious, too, and I thought they kind of watched me and asked a good many questions. So one time right after I got my pay I made up my mind to leave. I didn't wait to say nothin' to anyone, but jumped onto a freight train, and went on about fifty miles or so south to a railroad crossin' and then I jumped off, and

took another train east. Along next day I saw a little town where there was another saw mill, so I stopped off and asked for a job. I didn't have no trouble goin' to work, so long as I was willin' to work with the niggers, and I stayed there two or three weeks, same as the other place, and then I thought the boss began to notice me. He asked me a lot of questions about where I come from, and 'most everything else he could think of. I told him I come from St. Louis, but I didn't know much more 'bout that place than I did 'bout Cincinnati, and I guess he didn't neither. But as soon as pay-day come I made up my mind I'd better start, so I took the few duds I'd got together and jumped on another train goin' further yet, and went away. Finally I stopped at a little town that looked rather nice and started out to get a job.

"Ever since I got off the first train I always looked pretty sharp at everyone to make out whether they was watchin' me or not. Then I always got hold of all the newspapers I could find to see if there was anything more about me. I found another Chicago paper in the depot, and it still had my picture and the offer of a thousand dollars reward, and said I must have took one of the freight trains that left the yards, and would most likely be in the south or in the west. I didn't like to stay there any longer after seein' that paper, but I managed to fold it up the best I could, and just as quick as I got a chance I tore it to pieces and threw it away. Then I thought mebbe I'd better get back away from the railroad. So I seen an old darkey that looked kind of friendly and I asked him about the country. He told me a good deal about it and I started out to walk to where he said there was some charcoal pits. I found the place and managed to get a chance to work burnin' wood and tendin' fires. It was awful black sooty work, but I didn't care nothin' about that. The main thing with me was bein' safe. I had a pardner who worked with me keepin' up the fires and lookin' after the pits at night, and it looked kind of nice with the red fires of the pits lightin' up the woods and ever'thing all 'round lookin' just like a picture. When we got through in the mornin' you couldn't tell us from darkies, we was so covered with smoke and burnt wood. We boarded in a little shanty with an old nigger lady that fed us on hominy and fried chicken, and we didn't have much of any place to sleep that was very good.

"After I'd been there two or three days I got pretty well acquainted with my pardner. One day he asked me where I was from. I never said nothin' to anybody 'bout where I came from, or where I was goin', or asked them any questions about themselves. I just worked steady at my job, and all I thought of was keepin' still in hopes it would wear off in time, and I could start over new. I used to dream a good deal about her and the boy, and sometimes I'd think we was back there in Chicago all livin' together and ever'thing goin' all right. Then I would dream that I was out with the boys to a caucus, or goin' 'round the saloons campaignin' with the alderman. Then I'd dream about fightin' her and hittin' her on the head with the poker, and it seemed as if I throwed her

in Lake Michigan. Then I'd dream about the boy and my learnin' him his letters, and his bein' with me in the wagon when we was peddlin' potatoes, and about the horse, the old one that died, and the last one I got at the renderin'-place. Then I'd kind of get down to the peddlin', and go over the whole route in my sleep, hollerin' out 'po-ta-toes!' all along the streets on the west side where I used to go, and the old Italian women and the Bohemian ladies and all the rest would be out tryin' to get 'em cheaper and tellin' me how I'd charged too much. Then I seen the old lady that I give the half peck to, and could hear her ask all the saints to bless me. Then I stopped into the butcher-shop and got the steak, and ever'thing I ever done kep' comin' back to me, only not quite the same as it is in real life. You know how 'tis in a dream; you want to go somewhere and somethin' kind of holds your leg and you can't go. Or you want to do somethin' and no matter how hard you try somethin' is always gettin' in front of you and hinderin' you and keepin' you back. Well, that's the way 'twas with all my dreams; nothin' turned out right and I always come back to where I killed her and throwed her in the lake, till I was almost 'fraid to go to sleep, and then I was 'fraid I'd holler or talk in my sleep. And my chum slep' in the same room with me and I was 'fraid mebbe he'd find it out, so I never dared to go to sleep until after he did, and then I was always 'fraid I'd holler and say somethin' and wake him up and that he'd find out 'bout me and what I'd done.

"Well, as I was sayin', after I'd been there three or four days we was down to the pits one night tendin' to the fires, and we got to talkin' and tellin' stories to pass the time away, and at last he asked me where I was from, and I said St. Louis. He said he was from the north too; I didn't ask him where he'd come from, but he told me Chicago. I was almost scart to death when he mentioned the place. I didn't ask no questions nor say a word, but he kep' on talkin' so I kind of moved' round a little and leaned up against a pine tree so's the light couldn't shine right in my face, for I didn't know what he might say. He told me that he come down here every winter for his health; that Chicago was so cold and changeable in the winter; that he worked in the stock-yards when he was there and he always went back just as soon as he dared, that there wa'n't no place in the world like Chicago, and he was always awful lonesome when he was away, and he wouldn't ever leave it if he could only stand the climate. He said there was always somethin' goin' on in Chicago; a feller could get a run for his money no matter what kind of a game he played; that if he wanted to have a little sport, there was the pool-rooms and plenty of other places; that if he didn't have much money he could get a little game in the back end of a cigar store, or he could shoot craps; if he wanted a bigger game there was Powers' & O'Brien's and O'Leary's, and if that wa'n't enough, then there was the Board of Trade. There was always lots of excitement in Chicago, too. There was races and elections and always strikes, and ever'thing goin' on. Then there was more murders and hangin's in Chicago than in any other city. Take that car-barn case; it couldn't

never have happened anywhere except in Chicago. And the Luetgert case, where the feller boiled his wife up in the sausage-vat so that there wa'n't nothin' left but one or two toe-nails, but one doctor identified her by them, and swore they was toe-nails and belonged to a woman about her size; one of 'em had seen her over at a picnic and remembered her, and he was pretty sure that the toe-nails was hers. Then that Jackson case was the latest; that happened just a little while before he left, and the papers was full of that one. Jackson was a peddler and he went 'round all day and drunk at all the saloons just so he could get up nerve enough to kill her. He thought she had some property and he'd get it if she was out of the way, so he killed her and took her off and put her in a hole where he thought no one could find her; but they did, and now one of the papers had offered a thousand dollars reward for him, and they were lookin' for him all over the United States. He said as how he took a Chicago paper and kep' posted on everything and read it every day and wouldn't be without it for a minute. And then he asked me if I hadn't never been to Chicago, and why I didn't go. I told him mebbe I would some time, but I'd always been kind of 'fraid to go. I didn't say much but got the subject changed as soon as possible, and managed to put in the rest of the night the best I could, and then went home, and after he'd gone to sleep I packed my valise and paid the nigger lady and told her I had enough of that job and started off afoot without waitin' for my pay.

"I went straight down the road for two or three miles till I come to where another road crossed, then I turned off to the left. I didn't have any reason for turnin', except it seemed as if that would take me more out of the way. I didn't see anyone along the road except now and then some old nigger. I walked several miles, and there didn't 'pear to be no one livin' on the road except niggers with little shanties same as the one I left in Chicago. I stopped once and asked an old darkey lady for somethin' to eat and she give me some fried chicken and a piece of corn bread and I sat and et it, and a whole lot of woolly-headed little pickaninnies sat and looked at me every mouthful. One of 'em was about the size of my kid, and made me think of him a good deal; but he didn't look nothin' like him. I guess 'twas just because he was a boy and about the age of mine. After I et the chicken and the bread I started on and traveled all day without seein' anyone, except niggers, or stoppin' anywhere except to get a drink in a little stream. When it begun to be dark I commenced to think what I'd do for the night, and watched out for a place to stay. So after while I saw an old shack 'side of the road and went in. There was some straw and I was so tired that I laid down and went right to sleep.

"All night I dreamed about bein' follered. First I thought I was out in a woods and some hounds was chasin' me, and I heard 'em bayin' way back on my trail and knew they's comin' for me. I run to a little stream and follered it up same as I used to read in Indian stories, and then started on again, and after a while I didn't hear 'em any more. Then first thing I knew they commenced bayin' again and

I could tell that they'd struck my trail, so I run just as fast as ever I could and the bayin' kep' gettin' louder'n' louder, and I run through bushes and brush and ever'thing, and they kep' gainin' on me till they was so close that I got to a little tree where I could almost reach the branches and I got hold of 'em and pulled myself up and got ahead of the hounds, but they come up and set down around the tree and howled and howled so they'd be heard all through the woods, and I knew it was all up with me; and then I woke up and found that I was in the barn and no one 'round except a cow or a horse that was eatin' over in a corner. So I tried to go to sleep again. Then I dreamed that the policemen and detectives was after me, and first it seemed as if I was runnin' down a street and the police was right behind, and then I turned down an alley and they hollered to me to stop or they'd shoot, but I didn't stop, and they shot at me and hit me in the leg, and I fell down and they come up and got me, and then it seemed as if I was on the cars and detectives was follerin' me ever'where, and whenever I stopped them detectives somehow knew where I was, and they'd come to the place, and I got away and went somewhere else, and then they'd turn up there, all ready to arrest me, and I couldn't go anywhere except they'd follow me. And I kind of saw her face, and she seemed to be follerin' me too, only she didn't seem to have any legs or much of anything, except just her face and a kind of long white train and she just come wherever I was, without walkin' or ridin', but just come, and she always seemed to know just the right place no matter how careful I hid, and when they got all ready to nab me I woke up. By that time it was daylight and there was a darkey there in the barn feedin' a mule, and he said, 'Hello, boss!' just as friendly, and asked me where I was goin'. I told him I was lookin' for a job, and he told me he thought that over about four miles to the town I could get a job. So I told him all right, and asked him if he could give me somethin' to eat. He took me into the house and gave me some chicken and some corncakes and told me if I would wait a while he'd hitch up the mule and take me into town, that he was goin' anyway. I thanked him and told him I was in a hurry to get to work, and guessed I wouldn't wait. I'd got so I was 'fraid to talk with anybody. I thought they'd ask me where I was from, and tell me somethin' 'bout Chicago, and mebbe show me a newspaper with my picture in it.

"Then I went on down the road till I come to a nice town in the middle of big pine trees. It was full of fine white houses and a few brick stores, and two or three great big hotels. I asked a nigger what the place was and he told me it was Thompson, and was a winter resort for Yankees who come there for their lungs; that they spent lots of money and that was what made the place so big.

"I always liked to talk with the niggers; they never asked me any questions, and I never was 'fraid that they'd been in Chicago, and I didn't really think they took any of the papers, for they didn't know how to read. Well, I just took one look at Thompson and then went as far from the hotels as I could, and kep' away from the stores, for I was sure the place was full of people from Chicago,

and that all the newspapers would be there, too. I didn't stop a minute over where all the nice houses was. I seen lots of people out on the porches and settin' in hammocks and loafin' 'round, and I knew they was from Chicago. Then I went along across a little stream and come to a lot of poor tumbled-down houses and tents, and I knew they was the niggers' quarters, so I went into a little store kep' by an old fat nigger lady and bought a bag of crackers and asked her about the roads.

"Before this I made up my mind to go to Cuba. I remembered readin' all about it at the time of the war, when a lot of them stock-yards boys went to fight, and I thought that I'd be so far away that I might be safe, so I knew that I had to go to the Gulf of Mexico, and I kep' on that way. I didn't dare to take the railroads any more, but just thought I'd walk, so I kep' straight on down the road all day until I got a long ways from Thompson. I didn't dare to stop for work, for I'd got it into my head that everyone was after me, and if I waited any more I'd get caught. My shoes was gettin' pretty near wore out and I knew they wouldn't last much longer, and I hadn't got more'n four dollars left, and I knew if I didn't come to the Gulf pretty soon I'd just have to go to work.

"That night I stopped at another old shack, and had about the same kind of dream I did the night before, only I was runnin', and every time I pretty near got away a cramp would come in my leg and pull me back and give 'em a chance to ketch me, and they seemed to come just the same without runnin' or flyin', or anything, and always she'd come just where I was. Still I got through the night and a nigger lady gave me somethin' to eat, and I went on.

"I began to look awful ragged and shabby. My coat was torn and awful old and black where I'd been workin' in the charcoal pit. I'd changed my shirt, and washed the one I had on in a little stream, but the buttons was gettin' off and I was tyin' 'em up with strings. My pants was all wore out 'long the bottom, and my shoes pretty near all knocked to pieces. As for my stockin's—you couldn't call 'em stockin's at all, and I'd made up my mind to get a new pair the next store I come to, but I didn't like to stop in town.

"Along about noon I got to a little place and, of course, I was lookin' pretty bad. Some o' the dogs commenced barkin' at me as soon as ever I got into town. I stopped at a house to get somethin' to eat, and a white lady come to the door and told me to go 'way, that I was a tramp, and that she'd set the dog on me, and I ran as fast as I could. I went down the street and a good many boys follered me, and I began to get scart; so I went through the town as fast as I could, but I see some people was follerin' after me, and one that rode on a horse. So I took to the fields and made for a clump of trees that I saw off to the right. I run just as fast as ever I could and when I looked back I saw some people was follerin' me through the field. I went straight to the woods and ran through 'em, and got pretty badly scratched up, and my clothes tore worse'n they was before. Then I run into a swamp just beyond and two or three

men ran 'round on the other side of the swamp and I knew it was all up, and I might just as well surrender and go back.

"I was so scart I didn't care much what they done, so when the one in front asked me to surrender or he'd shoot, I come out to where he was, and he put his hand on me kind of rough and said I was under arrest for bein' a tramp, and to come with him.

"Then he took me back to town with all the men follerin', and when we got up into the edge of the place 'most all the boys, black and white, turned in and follered too. They took me to a little buildin' over on the side of the town, and went down stairs into the cellar and opened an iron door and put me in. There wa'n't no light except one window which was covered with iron bars, and they locked the door and went away and left me there alone."

VIII

I WAS locked up in the cellar for a long time before anyone came to talk with me. I looked 'round to see if there was any chance to get out, but I seen it couldn't be done. I thought it wa'n't hardly worth while to try. Honestly it seemed a kind of relief to be ketched and know I didn't have to run any more. I didn't know why they arrested me, but I s'posed they just thought I'd done something and they'd try to find out what it was, so I thought about what I'd do, and made up my mind I hadn't better say much.

"After a while some fellers come down to see me and took me up in the office. One of 'em was the marshal and another was a lawyer or police-judge or somethin' of that kind. They said they wanted to fill out some sort of a paper about who I was and where I come from and what my business was and who my father and mother was, and what my religion was, and whether I ever drank, or smoked cigarettes, and the color of my hair and eyes, and how much I weighed, and a lot of things like that. So I told 'em I was from St. Louis, and guessed at the rest of the answers the best I could. Only I told 'em I never knew who my father and mother was. They wa'n't satisfied with my answers and fired a lot more questions at me. And then they told me they thought I lied, and they'd put me in the lock-up until mornin', so they put me back there and give me a plate o' scraps for supper, and a straw bed to sleep on, and then went away.

"Somehow I slept better that night than I had since I'd run away. I rather thought it was all up and only a question of time when I'd get back here, but I knew where I stood and wa'n't so scart. I've slep' fine ever since I was here, only the time when the jury was out and when I was waitin' for the Supreme Court, and some special times like that. As near as I can find out most of 'em does when they know it's all off, just like people with a cancer or consumption, or when they're awful old. They get used to it and sleep just the same unless they have a pain, or somethin'. They don't lay awake thinkin' they're goin' to die. And after all, I guess if people done that there wouldn't any of 'em sleep much. For 'tain't very long with anybody, and bein' sentenced to death ain't much differ'nt from dyin' without a sentence. Of course, I s'pose it's a little shorter and still that ain't always the case. There's two fellers that I knew died since I come here; one of 'em had pneumonia, and the other was a switchman that thought the engine was on the other side-track. John Murphy was his name. Still—I guess my time's pretty near come now.

"Well, in the mornin' the marshal came in and brought me some breakfast. Then he took me up to the office again. He waited a few minutes till the judge come, and then they commenced firin' questions at me. They asked me how I got from St. Louis to where I was,

That kind of puzzled me, for I didn't exactly know where I was. I answered it the best I could; but I know I didn't get it right. They told me I hadn't got over lyin' and I'd have to be shut up some more. Then they asked me what public buildin's there was in St. Louis. I made a guess and told 'em the court-house and state-house. They laughed at this, and said St. Louis wa'n't the capital of Missouri. And of course I didn't argue with 'em about that. Then they wanted to know how I come there and I said I walked. And they wanted to know what places I come through and I couldn't tell 'em. Then they asked me where I had walked, and I couldn't tell 'em that; and they asked me how far I'd walked, and I told 'em not very far, and they laughed at my clothes and shoes and said they was 'most wore out, and they didn't believe it, and told me again that they thought I was lyin' and I'd have to stay there till I learnt how to tell the truth. Then I got mad and said I hadn't done nothin' and they hadn't any right to keep me, and I wouldn't answer any more questions; that they didn't believe anything I said anyhow and it wa'n't any use, and to go ahead and do what they pleased with me.

"Then the marshal went to his desk and got a lot of photographs and hand-bills tellin' about murderers and robbers and burglars and pickpockets and ever'thing else, that was sent to him from all over the country, and he took 'em and looked 'em all over and then looked at me. Then he sorted out a dozen or so and stared at me more particular than before. I seen what he had in his hand; I seen one of 'em was my picture; only I was smooth-faced and now my whiskers had got long. He made me take off my clothes and looked me over careful, and found where I had broke my leg the time that I caught my foot between the rails when I thought I was goin' to be run over. You remember the time? I wish now I had. Then he let me put on my clothes, and he went over all the descriptions just as careful as he could, and he found that the hand-bill told about a broken leg; then he looked at my face again, and then he asked me when I'd shaved last, and I told him I never shaved. Then he wanted to know how tall I was, and I told him I didn't know, so he measured me by standin' me up 'gainst the wall and markin' the place. I tried to scrooch down as much as I could without him noticin' it; but he said it was just 'bout what the hand-bill had it. Then he asked me how much I weighed, and I told him I hadn't been weighed for years. So he called someone to help him, and they put some han'-cuffs on one arm and fastened the other to the marshal and took me over to a store, and made me stand on the scales till I got weighed. He said I weighed just a little bit less than the han'-bill made it, and that if I'd walked from Chicago that would account for the difference. Then he looked over my clothes, but he couldn't find any marks on 'em.

"Then he sent down for the barber and told him to shave me. I objected to that and told him he hadn't any right to do it; that I wasn't charged with any crime, and he said it didn't make no difference, he was goin' to do it anyway. So I knew it wa'n't no use, and I set down and let the barber shave me. Of course I knew it

would all be up as soon as I got shaved. But I didn't care so very much if it was; it wa'n't any worse than runnin' all the time and bein' 'fraid of ever'-one you met and knowin' you'd be ketched at last.

"Well, after the barber got through shavin' me, the marshal took the picture and held it up 'side of my face, and anyone could see 'twas me. He was so glad he almost shouted. And he told the police judge that he'd got one of the most dangerous criminals in the whole United States, and he was entitled to one thousand dollars reward. I never see a boy feel so good over anythin' as he did over ketchin' me. He said that now he could pay off the mortgage on his house and get his girl piano lessons, and run for sheriff next fall. When he told me I was Jackson, I denied it and said I never knew anything about Chicago, and was never there in my life. He didn't pay any attention to this, but wired to Chicago, givin' a full description of me. Of course, it wa'n't long before he got back word that I was Jackson, and to hold me till they sent someone down.

"After the marshal found out who I was he treated me a good deal better'n before. He got me nice fried chicken 'most every meal, and always coffee or tea and corn-cakes, and I couldn't complain of the board. Then he got my clothes washed and give me some new pants and shoes and fixed me up quite nice. He come in and visited with me a good deal and seemed real social and happy. He give me cigars to smoke and sometimes a drink o' whiskey, and treated me as if he really liked me. I expect he couldn't help feelin' friendly to me, because he thought of that one thousand dollars, and that he wouldn't've got it if I hadn't killed her, and in one way a good deal as if I done it on his account. Of course he wa'n't really glad I done it, but so long as I done it, he was glad I come his way. I s'pose he hadn't anything against me any more'n a cat has against a mouse that it ketches and plays with till it gets ready to eat it up. His business was ketchin' people just like the cat's is ketchin' rats. Seems to me, though, I'd hate to be in his business, even if it is a bad lot you've got to ketch. Still he watched me closer'n ever, even if he was good to me. He didn't mean to let that thousand dollars get away. He kep' someone 'round the jail all the time, and he got some extra bars on the windows, and when he come to see me or talk with me he always brought someone with him so I couldn't do anything to him. He needn't worried so much, for I was clean tired out and discouraged, and I felt better in there than I had any time since I killed her. Bein' out of jail ain't necessar'ly liberty. If you're 'fraid all the time and have got to dodge and keep hid and can't go where you want to and are runnin' away all the time, you might just as well be shut up, for you ain't free.

"Soon as the marshal found out who I was, it didn't take the news long to travel 'round the town, and it seemed as if ever'one there come to the lock-up to see me. The boys used to come up 'round the windows and kind of stay back, as if they thought I might reach out and ketch 'em, but I always kep' as far away as I could. Then the people would come down with the marshal to the cell

when he brought my supper and look at me to see me eat, and try to get me to come up and talk to 'em and watch me same as you've seen 'em look at bears when they was feedin' up at Lincoln Park, and they'd point to me and say, 'That's him; just see his for'head. Wouldn't I hate to get caught out alone with him? Anyone could see what he is by lookin' at him. I bet they make short work of him when they get him to Chicago!' I always kep' back as far as I could for I didn't want to be seen. No one had ever looked at me or paid any attention to me before, or said anything about me, and I hadn't ever expected to have my name or picture in the paper, or to have people come and see me, and anyhow not this way.

"Of course, I knew well enough that it wouldn't last long, and that they'd be here for me in two or three days. I can't tell you just how I felt. I knew I was caught, and that there wa'n't much chance for me. I knew all the evidence would be circumstantial, still I knew I done it, and luck never had come my way anyhow, so I didn't have much hopes that 'twould now. Then I began to feel as if it might as well be over. If I was goin' to be hung, I might just as well be hung and done with it. There wa'n't any kind of a show for me any more, and it wa'n't any use to fight. Then I began to figger on how long 'twould take. I knew there was cases where it took years, but I always thought them cases must have been where they had lots of money and could hire high-priced lawyers. And I hadn't got any money, and the newspapers had said so much about my case that I was sure that they wouldn't give me much chance or any more than the law allowed.

"Well, inside of two days some fellers come down from the sheriff's office in Chicago. I didn't know either one of 'em, but they had all kinds of pictures and descriptions and said there wa'n't any doubt about who I was, and said I might as well own up and be done with it. But I didn't see any use of ownin' up to anything, so I wouldn't answer any questions or say much one way or another. Then they explained to me that they hadn't any right to take me out of the state without a requisition from the gov'nor, and it would take a week or so to get that, and I might just as well go back with them without puttin' 'em to this bother; that it always looked better when anyone went back themselves, and anyhow I'd be kep' here in jail till they got a requisition. So I told 'em all right, I'd just as soon go back to Chicago as anywhere, and I hadn't done nothin' that I had to be 'fraid of, and was ready to go as soon as they was. So they stayed till the next mornin' and then han'-cuffed me and put me between 'em and led me down to the depot. Before I left the lock-up the marshal give me a good breakfast and some cigars and shook hands with me, and said he hoped I'd have a pleasant journey.

"When I went down to the depot it seemed as if the whole town, black and white, had turned out to see me, and ever'one was pointin' to me and sayin', 'That's him; that's him.' 'He looks it, don't he?' And pretty soon the train come up and the officers and conductor kep' the crowd back while they took me into the smokin'-car. It seemed as if ever'one in the car and on the whole train knew

who I was and just what I'd done, and they all come up to the smokin'-car to get a look at me, and pass remarks about me, and ever'one seemed glad to think I was caught and was goin' to be hung.

"It ain't no use to tell you all about the trip home. It didn't take me as long to come back as it did to go 'way. At pretty near ever' station there was a crowd out to see the train, and all of 'em tried to get a look at me. The conductor and brakemen all pointed me out and the people come to the doors and stood up before the window and did ever'thing they could think of to see me. The detectives treated me all right. They gave me all I could eat and talked with me a good deal. They didn't ask many questions, and told me I needn't say any more'n I had a mind to, but they told me a good deal about politics and how that the alderman was runnin' again, and all that was goin' on in Chicago, and where all they'd been huntin' for me since I run away. I had to sit up at night. One of 'em kep' han'-cuffed to me all night and another han'cuff was fastened to the seat. I don't s'pose they could've made it any more comfortable and see that I didn't run away. But still I don't ever want to take that kind of a ride again and I s'pose I never will.

"I felt queer when we began to get back into Chicago. In some ways I always liked the city; I guess ever'one does, no matter how rough it is. And I couldn't help feelin' kind of good to see the streets and fac'tries and shops again; and still I felt bad, too. I knew that ever'one in the town was turned against me, and I didn't have a friend anywhere. We'd got the Chicago papers as we'd come along and they was full of all kinds of stories and pictures about me, and some things that I'd said, 'though I'd never talked a word to anyone.

"The papers said that they hoped there'd be none of the usual long delays in tryin' my case, that I was a brutal murderer, and there wa'n't no use of spendin' much time over me. Of course, I ought to have a fair and impartial trial, but I ought to be hung without delay, and no sentimental notoriety-huntin' people ought to be allowed to see me. They wished that a judge could be found who had the courage to do his duty, and do it right off quick. I had already been indicted, and there wa'n't nothin' to do but place me on trial next day, and the verdict would be reached in a few days more. It was unfortunate that the law allowed one hundred days before a murderer could be hung after trial; that the next legislature must change it to ten days; that would be plenty of time for anyone to show that a mistake had been made in their trial, even if he was locked up all the time. The papers said how that the Anti-Crimes Committee was to be congratulated on havin' found a good lawyer to assist the state in the prosecution, and that the lawyer was a good public spirited man and ought to be well paid for his disagreeable work.

"The papers told all about the arrest down in Georgia, and how the marshal and a force of citizens followed me into the swamp and what a desperate fight I made, and how many people I'd knocked

down and 'most killed, until I was finally overpowered and taken in irons to the county jail.

"I can't make you understand how I felt when they was bringin' me into town. We come along down the old canal where we used to stone the frogs and the geese and all along the places where us boys used to play. Then we come down through the yards where I used to work, and right past the house where I left that night with the kid sleepin' in the bedroom. That was the hardest part of all the trip, and I tried to turn away when we come down along back of the barn by the alley; but it seemed as if something kind of drew my eyes around that way, and I couldn't keep 'em off'n the spot. And I thought about ever'thing I done there just in a flash, and even wondered how long the old horse was tied in the barn before they found him, and whether he got all the potatoes et up before he was took away. But I looked away as quick as I could and watched all the streets as we passed, to see if I could see anyone I knew. I felt pretty sure that I wouldn't leave Chicago again, and I guess I never will.

"Pretty soon they pulled into the big depot, and the train stopped and we got off. I wa'n't expectin' nothin' in the station, but when we landed the whole place was filled back of the gate, and I could see that they was looking for me. The crowd was about like one that I was in down there once when McKinley come to Chicago. A squad of policemen come down to meet us, and they got us in the middle of the bunch and hurried us into a patrol wagon. I could hear the crowd sayin', 'That's him; that's the murderer; let's lynch him!'—'He don't deserve a trial! Let's hang him first and then try him'—'The miserable brute!' 'The contemptible coward!' —I guess if it hadn't been for all the policemen I'd have been lynched, and mebbe 'twould have been just as well. 'Twouldn't have taken so long, nor cost so much money. Anyhow, I wish now they'd done it and then it would be all over; and now—well, 'twon't be long.

"There was a lot of people in the street and every one of 'em seemed to know who was in the patrol-wagon, and they walked all the way over, and lots of little boys follered the wagon clear to the jail; then the newsboys on the street kep' yellin', 'All 'bout the capture of Jim Jackson! Extra paper!' and it seemed as if the whole town was tryin' to kill me. Somehow I hadn't realized how 'twas as I come 'long, and, in fact, ever since I went away. Of course, I knew how bad the killin' was, and how ever'one must feel, and how I wished I hadn't done it, and how I'd have done anything on earth to make it different, but all the time I'd been away from the people that knew all about it, and I didn't somehow realize what they'd do. But when I come back and seen it all I felt just as if there was a big storm out on the lake and I was standin' on the shore and all the waves was comin' right over me and carryin' me away.

"Well, they didn't lose any time but drove as fast as they could down Dearborn Street over the bridge to the county jail. Then they hustled me right out and took me straight through the crowd up to the door; the Dearborn Street door (that's the one you came

in, I s'pose), and they didn't wait hardly a minit to book me, but hurried me up stairs and locked me in a cell, and I haven't seen the outside of the jail since, and I don't s'pose I ever will."

Jim stopped as if the remembrance of it all had overpowered him. Hank didn't know what to say, so he got up and walked a few turns back and forth along the cell, trying to get it all through his clouded mind. Such a night as this he had never dreamed of, and he could not yet realize what it meant. The long story and the intense suffering seemed to have taken all the strength that Jim had left.

Hank turned to him with an effort to give him some consolation. "Say, Jim, don't take it too hard. You know there ain't much in it for any of us, and most people has more trouble than anything else. Lay down a little while; you can tell me the rest pretty soon."

"No," Jim answered, "I ain't got through; I can't waste any time. It must be gettin' along toward mornin', and you see I don't know just when it'll be. They seem to think it's treatin' us better if they don't tell us when, only just the day. Then you know, they can come in any time after midnight. They could break in now if they wanted to, but I s'pose they'll give me my breakfast first, though they won't wait long after that. Well, I ain't got any right to complain, and I don't mean to, but I s'pose I feel like anyone else would."

Just then a strange dull sound echoed through the silent corridors. Hank started with a nervous jerk. It sounded like a rope or strap suddenly pulled up short and tight.

"What's that?" Hank asked. Jim's face was pale for a moment, and his breath was short and heavy.

"Don't you know? That's the bag of sand."

"What bag of sand?" Hank asked.

"Why, they always try the rope that way, to see if it's all right. If they don't, it's liable to break, and they'd have to hang 'em over again. They take a bag of sand that weighs just about the same as a man and tie the rope to the sand, and then knock the door out and the sand falls. I guess the rope's all right; I hope so. I don't want 'em to make any mistake. It'll be bad enough to be hung once. I wonder how I'll stand it. I hope I don't make a scene. But I don't really think anyone ought to be blamed no matter what they do when they're gettin' hung, do you?

"It seems to me, though, that they might be a better way to kill anyone. I think shootin' would be better'n this way. That's the way they kill steers down to the stock-yards and I don't believe the Humane Society would let 'em hang 'em up by the neck. I should think 'twould be better to take some cell that's air-tight and put 'em to bed in there and then turn on the gas. But I s'pose any way would seem bad enough. Did you ever stop to think how you'd like to die? I guess nobody could pick any way that they wanted to go, and mebbe we'd all rather take chances; but I don't believe anybody'd pick hangin'. It seems to me the very worst way anybody could die. I wonder how they commenced it in the first place. Well, I

goodness knows. I believe I'll ask the guard for another drink before I tell any more."

The guard came at the first call.

"Sure, you can have all the whiskey you want. I was just down to the office a little while ago. Take this bottle. I think it's pretty smooth, but it's a little weak. Guess the clerk poured some water in, thinkin' it was goin' to the ladies' ward. You'd better take a pretty big drink to do you any good."

Jim thanked him as he took the bottle, and then inquired:

"Did you go down to the telephone again to see whether there had anything come over to the telegraph office?"

"No—I didn't," the guard answered, "but I'll go back pretty soon. They keep open all night. It's early yet, anyhow."

Jim offered the bottle to his friend. Hank took a good drink, which he needed after the excitement of the night. Then he passed the bottle back to Jim.

"If I was you I'd drink all that's left; it's good, but it's pretty weak, all right. I'm sure you'd feel better to take it all."

Jim raised it to his lips, tipped his head back and held the bottle almost straight until the last drop had run slowly down his throat.

IX

JIM laid the bottle on the bed and then sat down on his chair. "My head begins to swim some but I guess I can finish the story all right. I know I'm pretty longwinded. Still I guess I can't talk very much more if I wanted to. I'm glad the whiskey's beginnin' to get in its work; I don't believe I'll have much trouble gettin' so drunk that I won't know whether I'm goin' to a hangin' or a primary.

"Let me see; oh, yes, they hustled me into a cell and locked me up. I guess they thought best not to waste much time, for a good many people had got together on the outside.

"I think 'twas on Friday they put me in. There wa'n't nothin' done on Saturday; but on Sunday they let us all go to church up in the chapel. They kep' me pretty well guarded as if I might do somethin' in the church, but there wa'n't no way to get out if I wanted to. The preacher told us about the prodigal son, and how he repented of all his wanderin's and sins and come back home, and how glad his father was to see him, and how he treated him better'n any of the rest that hadn't never done wrong. He said that's the way our Heavenly Father would feel about us, if we repented, and that it didn't matter what we'd done—after we repented we was white as snow. One of the prisoners told me he was gettin' kind of tired of the prodigal son; that 'most every preacher that come told about the prodigal son just as if that story had been meant specially for them.

"Some of the prisoners seemed to like to go to church; some acted as if they understood all about it, and wanted to do better, and some of 'em seemed to go so as to get out of their cells. Anyhow I s'pose the people that run the jail thought 'twas a good thing and believed it was all so. But I know one feller that killed a man—he was kind of half-witted—and was tried the same as the rest of us when they had that crusade against crime. Of course they sentenced him to death. He got religion and used to pray all the time, and used to talk religion to all the rest of the fellers, and ever'one said that he was really sorry and was fully converted and was as pure as a little child. But they took him out and hung him anyway. It don't quite seem as if they believed what the preacher said themselves, or they wouldn't hang a feller when he's turned right, and when God was goin' to treat him like all the rest after he gets to heaven.

"When I went back to my cell, I begun thinkin' about what I'd do. Of course I knew you can't get any show without a lawyer, and I knew that I might just as well not have any as to have one that wa'n't smart. I didn't know any lawyer except the one that charged me ten dollars for nothin', and of course I wouldn't have him. But one of the guards was kind of nice and friendly to me and I thought I'd ask him. He told me

that gettin' a lawyer was a pretty hard matter. Of course, my case was a celebrated one, and would advertise a lawyer, but the best ones didn't need no advertisin' and the others wa'n't no good. He told me that Groves was the best fighter, but it wa'n't no use to try to get him for he'd got more'n he could do, and most of his time was took up prosecutin' people for stealin' coal from the railroads, except once in a while when some rich banker or politician got into trouble. Then he took a good slice of what he'd got saved up. I asked him 'bout some others and he told me the same story of all the rest that amounted to anything. I told him I hadn't got no money, and I thought the horse and wagon and furniture was took on the chattel-mortgage before this, and he said he s'posed the court would have to appoint someone and I might just about as well defend myself.

"Monday mornin' they come to the jail and told me I had to go before the judge. I didn't s'pose 'twould come so soon, for I knew somethin' about how slow the courts was. You remember when Jimmy Carroll was killed by the railroad? Well, that's more'n three years ago, and the case ha'n't been tried yet. I was su'prised and didn't know what to do, but there wa'n't much to do. They come after me and I had to go; so I put on my coat and vest and they han'-cuffed me to a couple of guards, and took me through some alleys and passages and over some bridges inside the buildin', and first thing I knew they opened a door and I came into a room packed full of people, and the judge settin' up on a big high seat with a desk in front of him, and lookin' awful solemn and kind of scareful. As soon as I stepped in there was a buzz all over the room, and ever'body reached out their necks, and kind of got up on their chairs and looked at me. The guards took off my han'-cuffs and set me down in a chair 'side of a big table. And then one of 'em set back of me and another one right to my side.

"They waited a few minutes till ever'one got still, and then some feller got up and spoke to the judge and said 'People against Jackson.' The judge looked at me and said, just as solemn and hard as he could, 'Jackson, stand up.' Of course I done what he said, and then he looked the same way and said, 'Are you guilty or not guilty?' Of course I was kind of scared before all of them people; I'd never been called up in a crowd before, except a few times when I said a few words in the union where I knew all the boys. But these people were all against me, and anyhow it was an awful hard place to put a feller, so I stood still a minit tryin' to think what I ought to say, and whether someone was there that I could talk to. Finally the judge spoke up and says, 'The prisoner pleads not guilty.' 'Jackson, have you a lawyer?' and then I said: 'I hain't got no lawyer.' Then he asked if I wanted him to appoint one, and I told him I wished he would. He asked me who I'd have. Of course I thought I could choose anyone I wanted, so I said Groves. Then he laughed and ever'one else laughed, and he said he guessed Groves had too much to do to bother with me. So I chose one or two more names I'd heard of, and he said none of 'em would do it neither. Then he said he'd give me till tomorrow to make up my mind who I wanted, and he told the bailiff to take me back to jail. So they put the han'-cuffs on and we went back through the alleys and over the bridges to the jail. When I got to my cell I asked the guard what he

thought I ought to do about a lawyer, and he said that lots of lawyers had give him their cards and asked him to hand them to the prisoners and told him they would divide the fee, if they got any. They mostly wa'n't much good for the business. He said there was one young feller who seemed pretty smart, but he hadn't never had a case, but he'd probably work hard to get his name up. I told him that it didn't seem as if a lawyer ought to commence on a case like mine, and he said that wouldn't make any difference, most of the murder cases was defended by lawyers that was just startin'. There wa'n't hardly anyone who was tried but was too poor to have a good lawyer. Then I told him to send me the young lawyer, and he did.

"The lawyer wa'n't a bad feller, and he seemed interested in the case, and was the first person I'd seen since I done it who wanted to help me. Of course I could see he was new at the business, like one of them green-horns that comes in the yards the first time and brings a stick to couple cars with; but I liked his face and seen he was honest. It didn't seem quite fair, though, that I should have a lawyer that hadn't never had a case. I didn't believe they'd take a young feller who was just out of a medicine-college and set him to cut off a leg all by himself. the first thing, or even take a country-jake and let him kill steers at the stock-yards, but I didn't see no way to help it, and I thought mebbe if I didn't take him I'd do worse instead of better. He asked me all about the case and seemed disappointed when I told him how it was; he said he was afraid there wa'n't much show, unless he claimed insanity. I told him I didn't see how he could make out that I was crazy; that I thought self-defense or somethin' like that would be better. He said he'd think it over till to-morrow, and talk with some of the professors at the college, and be in court in the mornin'. The next day they come for me right after breakfast, and put on the han'-cuffs and took me to court again. The same kind of a crowd was there as the day before, and I was pretty badly scart; but my lawyer was at the table with me, and he spoke to me real friendly, and that made me feel a little better. Then the judge called the case, and asked if I had a lawyer, and my lawyer spoke up and said he was goin' to defend me; so the judge said all right, and asked if the other side was ready. They said they was, and that they wanted the case tried right off. Then the judge asked my lawyer if he was ready and he said 'no,' that he'd just come into the case and hadn't had no chance to get it ready. Then the lawyer on the other side said that I was notified yesterday that I must be ready today and I didn't have anything to do but get ready; that they wanted to try it now; that next week he wanted to go to a picnic, and the week after to a convention, and it must be done now; then, there had been so many murders that no one was safe in Chicago, and the whole public was anxious to see the case tried at once. Besides there wa'n't any defense. I had killed her and run away, and wa'n't entitled to any consideration.

"My lawyer said it wouldn't be right to put me on trial without a chance to defend myself, that I couldn't get away yesterday to look up witnesses, and I had a right to a reasonable time; that he wanted at least four weeks to prepare the case. This seemed to make the judge mad. He said there wa'n't no excuse for any delay, but as this was such a clear case he wanted to give me every chance he could, so he

would continue till next Monday. Then I was took back to the jail, and my lawyer met me over there and I told him ever' place I went the day I done it, and ever'one I saw, and all about her, and what she'd done to make me mad, and he said he'd go out himself and look it up, and do what he could, but he was 'fraid there wa'n't no chance. The papers had said so much and the citizens had got up a Crime Committee, and ever'one who was tried either went to the penitentiary or got hung.

"Ever'day the lawyer would come and ask me something 'bout the case, and tell me what he'd found out. He said he couldn't get any witnesses to say anything; that the man where I got the beefsteak was 'fraid to come and testify; that someone had been there from the State's Attorney's office and most scart him to death, and he was 'fraid of gettin' into trouble and gettin' mixed up with it himself, and anyway he didn't see as he'd do the case any good if he came. He said he couldn't find anything that helped him a bit. He'd been to the house, but the poker and everything that would do any good had been taken by the state, and he didn't know which way to turn. He kep' comin' back to my insanity, and asked me if any of my parents or grand-parents, or uncles or aunts or cousins, or anyone else was crazy. I told him I didn't know anything 'bout them but I didn't think it was any use to try that. I knew what I was doin', all right. Then he told me if I had a hundred dollars he could get a good doctor to swear I was crazy; but I hadn't any hundred dollars of course, and besides I never thought 'twould do much good. So I told him that he wa'n't to blame for it, and to just uncles or aunts or cousins, or anyone else was crazy. I told him I didn't expect much myself anyhow. He said he'd have me plead guilty and the judge would most likely give me a life-sentence, only since this crusade against crime the judges dassent do that; there was so much said about it in the newspapers, and they was all 'fraid of what the papers said. He told me that he didn't believe it was anything more than second-degree murder anyhow, but there wa'n't any chance now, the way public opinion was.

"I begun to get pretty well acquainted with the prisoners in the jail and some of 'em was real nice and kind and wanted to do all they could to help ever'one that was in trouble. Of course some of 'em was pretty desp'rate, and didn't seem to care much for anything. Then there was some that had been in jail ten and fifteen times, and been in the penitentiary, and ever'where, and just as soon as they got out they got right back in again; they didn't seem to learn anything by goin' to prison, and it didn't seem to do them any hurt. They said they'd just as soon be there as anywhere else.

"But one thing I noticed a good deal that I never thought anything about until that feller come and spoke, that was how that the outsiders was really the ones that got punished the worst. It was sickenin' to see how some of them poor women would cry and take on because their man was in jail, and how they'd work and scrub night and day and nearly kill themselves to earn money to get him out; and then the little children that come to see their fathers, how they'd stay out of school and work in the packin'-houses and laundries and do anything for a little money to help them out. Hones'ly I believe if anyone stays 'round here for a week he'll see that the people that ain't done nothin' is pun-

ished a good deal more'n the others. Why, there was one awful pretty-lookin' girl used to come here to see her father, and the fellers told me that she was studyin' music or somethin' like that, and her father was put in jail on a fine, and she came here to see him every day, and done all she could to earn the money to get him out, but she couldn't do it, and finally she went into one of them sportin' houses down on Clark Street, and lived there long enough to get the money. I don't know, of course, whether it's so, but I don't see why not. Lots of the girls go to the department stores and laundries and stock-yards and they ain't much harder places on a girl's health. Anybody'll do everything they can to earn money to save anyone they care for.

"Well, the week went away pretty fast. I didn't s'pose 'twas so hard to get a case continued. You know that Carroll case? You remember we quit our work four or five times and lost our pay, and the judge continued it just because the lawyer had somethin' else to do. But I knew 'twouldn't be no use for me to try to get mine continued any more. And I didn't care much. I was gettin' so I'd just about as soon be done with it as not, and still I was pretty sure I'd be hung.

"The next Monday mornin' I was taken into court the same way, and the han'-cuffs was unlocked, and I was set down to the table by my lawyer. One guard set just back of me and the other at the side. Someone started a story that a gang of Bridgeport toughs was comin' to rescue me, but of course there wa'n't nothin' in it. I didn't have a friend that even come to see me—but the newspapers all printed the story, and, of course, that was against me too.

"When the judge called the case, he asked if we was ready, and my lawyer said he needed more time; that he'd done all he could to get ready, but he hadn't had time. But the judge wouldn't pay a bit of attention to him, and said he must go to trial at once, and told the bailiff to call a jury. So the bailiff called the names of twelve men and they took their seats in two rows of chairs along one side of the room. Ever' one of 'em looked at me as if he didn't like to be in the same room where I was. Then the lawyers commenced askin' 'm questions—where they lived, and how long they had lived there, and where they lived before, and how much rent they paid, and what they worked at, and how long they'd worked there, and what they'd done before, and what their fathers done, and where they come from, and was they dead, and if they was married, and how many times, and if they had children, and how many, and how old, and if they was boys or girls, and if the children went to school, and what they studied, and if they belonged to the church, and what one, and if they belonged to any societies or lodges or labor unions, or knew anyone, or read the papers, or didn't believe in hangin' people, and if they believed in 'circumstantial evidence,' and if they'd hang on circumstantial evidence, and if they believed in the law—and a lot of other things that I can't remember. If anyone didn't believe in hangin' he was let go right away; and if they didn't believe in circumstantial evidence they didn't keep 'em either.

"The other lawyer asked questions first and it didn't take him very long to get the ones that he wanted. Ever'one said he believed in hangin', and they all said they'd hang anybody on circumstantial evidence. After he got through my lawyer questioned 'em. They all said

that they'd read all about the case, and had formed an opinion about it —and they all looked at me as if they had. Then my lawyer objected to 'em, and the judge said to each one, 'Well, even if you have formed an opinion, don't you think you could lay that aside and not pay any attention to it, and try the case on the evidence and give the prisoner the benefit of the doubt? Don't you think that in spite of the opinion you could presume him innocent when you begin?' Most of 'em said they could; one of 'em said he couldn't. Then the judge lectured him for not bein' able to give anyone a fair trial, no matter who he was, and said we'd have to take the others, and told us to go ahead and get another one. So my lawyer tried another one and found him just like the rest. But the judge made us take him anyway. He said they was perfectly fair jurors, and we couldn't expect to get men that sympathized with crime.

"It ain't any use to tell you all about gettin' the jury, and then I hain't got time. Both sides had a right to strike off twenty without any reason at all, only that they didn't like 'em. We took a long time to get a jury. We didn't get much of any until after we had struck off 'most all of our twenty. All the jurors seemed to have made up their minds, but pretty nearly all of 'em said it didn't make any difference; they could give me a fair trial even if their minds was made up.

"I noticed that they struck off workin'-men and Catholics, and people that didn't have any religion, and foreigners, and I noticed my lawyer struck off Baptists, and Presbyterians, and Swedes, and G. A. R.'s. It took three or four days to get the jury, and then we hadn't any more challenges left, and so we had to take 'em. Pretty near ever'one of 'em said they'd read all about the case in all the papers and had their minds made up. I knew, of course, that meant they was against me. But still they all said that didn't make no difference if they had got their minds made up, they could forget their opinions and go at the case as if they believed I was innocent. But ever'one of 'em said he believed in hangin', and all of 'em said that circumstantial evidence was good enough for him. I set there 'side of the table with my lawyer and looked 'em over, and tried to make up my mind what they was thinkin' of, but they wa'n't one of 'em would look at me when they knew I was lookin', and I could see from the way they did that they was sure all the time that I done it, and ought to swing. Of course, I know it's the law that when a feller's placed on trial they're s'posed to be innocent, but I knew that the judge and all them twelve men felt sure I was guilty or I wouldn't have been there. Of course I done it. I don't know anything that would've done any good, but all the same it's pretty tough to be tried by a jury when they think you ought to be hung before they commence.

"After they got the jury the other lawyer told 'em about the case, and he made it awful black. I don't know how he ever found out all the things he said. Of course a good many of 'em was true and a good many wa'n't true, but he made out that I was the worst man that ever lived. The judge listened to ever' word he said and looked over to me ever' once in a while, as if he wondered how I ever could've done it, and was glad that I was where I belonged at last. The jury watched ever' word the lawyer said, and looked at me ever' once in a while to see how

I stood it. Of course it was mighty hard, but I done the best I could. When he got through the judge asked my lawyer what he had to say, and he said he wouldn't tell his side now. Then they commenced puttin' in the evidence.

"I s'pose you read all about it at the time, but the papers always gave me the worst of it, and the evidence wa'n't near so bad as it looked in the papers. Of course they proved about the boy goin' out the next mornin' to the neighbors, and cryin' for his pa and ma, and about ever'one lookin' all over for us without findin' us nor any trace of either one, and about the horse and wagon both lockin' as if it had been out all night. And then the folks as lived next door told about hearin' me say 'you damned bitch,' and hearin' someone fall, though they didn't think much of it then as they'd heard so many rows before. And then they told about findin' a piece of brown paper covered with blood, and then they brought in a doctor, or someone who said he'd examined it with a magnifyin' glass and it was human blood. He wa'n't quite sure whether it was a gentleman or a lady; but he knew 'twas one or the other. Then they brought in the paper and handed it to the jury, and passed it down along both rows, and ever'one took it in his hand and felt it, and looked at it just as if they never had seen any paper like that before, and wanted to make sure 'twas paper and not cloth. Of course the minute I seen it I knew it was the paper that had the beefsteak in it, and I told my lawyer what it was. An' I got right up to say something and the judge looked at me just as cross and says 'Set down and keep still; you've got a lawyer to talk for you, and if you say anything more, I'll send you to jail.' Of course I was scart to hear him speak to me that way before the jury and the whole room full of people, and I knew that it would show ever'one that the judge was against me. Some of the papers next day made out that I jumped up and was goin' to run away when I seen the bloody paper.

"My lawyer had another doctor examine a piece of the paper that night, and he said it was a cow or an ox, but he wouldn't come and testify to it unless I'd give him a hundred dollars, but of course I didn't have that. The court room was awful still when they passed around that paper; you could hear the jurors breathe and they held their heads down as if they felt sorry about somethin'. And after they'd looked it all over the lawyer took it, and the judge says: 'Let me see that paper,' and he put on his spectacles and looked it all over, first on one side and then on the other. He had a little bit of a magnifyin' glass in one hand, and he put it over the paper and looked at it through the glass, and then he looked at me just as solemn as if it was a funeral, and I seen it was all up with me. Of course, I told my lawyer just where I got it and what it was, and he went down to the butcher shop and seen the man, but the man was 'fraid to come, and said he didn't remember 'bout the steak nor about me; he guessed he'd seen me—I used to come down that way to peddle—but he couldn't tell whether I was in the shop that night or not.

"Then they brought the boys who had found her in a pool of

water out on the prairie two or three days after, and they brought some of the clothes she had on. They was all covered with mud, and they passed 'em all around to the jury and the judge, just the same as they did the paper. Of course, these did look pretty bad, and they made me feel kind of faint, for I'd thought about her a good deal the last few days, and dreamed about her almost every night, and sometimes I'd dream that ever'thing was all right, and then wake up and remember just how 'twas. I don't know which is worse: to dream that the thing was done and see it all before you, just as if you were doin' it all over again, and then wake up and know it was a dream, and then know it was so, or to dream that you're livin' together all right and are happy, and then wake up and find that's a dream, and you're in jail for murder and can't never get out alive.

"Then they proved about how the poker just fit into the place in her head, and how it was took back into the kitchen and put into the ashes again, so 'twouldn't show, and how far I drove that day, and ever' saloon I stopped into on the way, and just how much I drank, and ever'thing I done, except the beefsteak I bought and that half peck of potatoes that I gave away to the old lady. Then they proved all about my runnin' away, and where I'd been, and what I'd done, and my changin' my name, and the way I was caught.

"A good many times my lawyer objected to something that they tried to prove, or to something that the other feller was sayin', but ever' time the judge decided 'gainst my lawyer, and he 'most always seemed kind of mad when my lawyer said anything. The other one was a good deal the smartest; ever'one said he wanted to be a judge, and he took all the murder cases he could get, and they called him the 'hangin' lawyer,' because ever'one he had anything to do with got hung.

"There was always a big crowd in the court room ever' day, and a lot of people waitin' outside to get in, and there was always some awfully nice dressed ladies settin' up there with the judge ever' day, and they had a sort of glass in their hands, and they'd hold it up in front of their eyes and look at me through the glass just like the judge looked at the paper.

"It took about two days for their side to call all the witnesses they had, and finally their lawyer got up just as solemn and said that was their case.

"Then the judge give them a few minutes recess for ever'body to walk around a little, and ever'one looked at me, just as they'd done all the time. When they come to order the judge told us to go on with our side. My lawyer turned to me and said he didn't see what use it was to prove anything, and we might just as well let the case go the way it was. I said I ought to go on the stand and tell about that paper, and how it was nothin' but the one that come around the beef, and he said they wouldn't believe me if I said it. And anyhow it wouldn't make any difference. If I once got on the stand they'd get me all mixed up and the first thing I knew I'd tell 'em all about ever'thing, and so far as witnesses went he couldn't find anyone to do me any good.

"I thought 'twould look pretty bad not to give any evidence at all, and he said he knew that but 'twould look a mighty sight worse if we put any in. So my lawyer got up and ever'one watched to see what he was goin' to do, and then he just said 'May it please the court, we have concluded not to put in any evidence.' And ever'one commenced to whisper, and to look at me, and to look 'round, and the judge looked queer and kind of satisfied, and said then if there was no evidence on our side they would take a recess till mornin' when they could argue the case. Of course, after I went back to the cell and got to thinkin' it over I could see that it was all off more'n ever, but I didn't see that the lawyer could have done any different."

Here Jim got up and went to the grating and called to the guard.

"I'm gettin' a little tired and fagged out and it ain't worth while to go to bed. Won't you just give me some more whiskey?"

The guard came up to the door. "Of course, you can have all the whiskey you want," he said. "Here's a bottle I've just fetched up from the office. You'd better drink that up and then I'll get you some more."

Jim took a long drink at the bottle, and then passed it to his friend. Hank was glad to have something to help him through the ordeal, which had been hard for him to bear.

Presently the guard came back to the grating and asked Jim what he wanted for breakfast.

"It ain't breakfast time yet, is it?" Jim gasped.

"No, but I'm going to the office after a while and I want to give the order when I go. You'd better tell me now. You can have 'most anything you want. You can have ham and eggs, or bacon or steak, and tea or coffee, and bread and butter and cakes; or all of 'em—or anything else you want."

"Well, I guess you'd better bring me ham and eggs. I don't seem to care for steak, and I don't think I want any coffee. I'd rather have a cocktail. You'd better bring me plenty more whiskey too when you come. You know I hain't slept any and I'm kind of nervous. I guess it'll be better if I don't know much about it; don't you?"

"Sure thing," the guard answered back. "We've got some Scotch whiskey over there that's all right. I'll bring you some of that. All the boys takes that. I don't think you'll be troubled much after a good drink of that Scotch. I guess you'd better hurry up a little bit with what you want to say. I don't like to hurry you any, but I'm afraid they'll be along with the breakfast after while, and they don't allow any visitors after that."

The guard turned to leave, but before he had gone far, Jim called out, "You'd better telephone over to the telegraph office, hadn't you? Somethin' might have come maybe."

"All right, I'll do that," the guard answered back, "and Jim, I guess you might as well put on them new clothes before breakfast; they'll look better'n the old ones—to eat in."

X

JIM drank the remnant of whiskey in the bottle he was holding, draining it to the last drop. As he sat in his chair he leaned against the side of the cell.

"My—how many bottles of this stuff I've drunk tonight. It's a wonder I ain't dead already. I don't believe I could keep up only I've got to finish my story. But this cell begins to swim 'round pretty lively; I guess it ain't goin' to take much to finish me. Think a little of that Scotch will just about do the job. I don't care what anyone says, I'm goin 'to get just as drunk as I can. I sha'n't live to see what they say in the newspapers and it won't make any difference when I'm dead. I don't know as I ought to eat anything; it might kind of keep it from actin', but still I might as well. I guess the Scotch'll do it all right anyway.

"Well, there ain't very much more to tell, and I guess you're glad. It's been a tough night on you, poor feller. I hope no one'll ever have to do it for you. But, say—you've done me lots of good! I don't know how I'd put in the night, if you hadnt' come!

"Well—the last mornin' they took me over to court, the room was jammed more'n ever before, and a big crowd was waitin' outside. I heard the other lawyer say that the judge's platform looked like a reception; anyhow it was full of ladies with perfectly grand clothes, and most of 'em would hold their glasses up to look at me. The other lawyer didn't say much in his first speech, only to tell how it was all done, and how they had proved that everything happened in Cook County, and what a high office the jury had.

"Then my lawyer talked for me. I didn't really see how he could have done any better and the papers all said he done fine. Of course there wa'n't much to say. I done it, and what more was there to it? And yet I s'pose a lawyer is educated so he can talk all right on either side. Well, my lawyer went on to make out that no one had seen it done, that the evidence was all circumstantial, and no one ever ought to be hung on circumstantial evidence. He went on to show how many mistakes had been made on circumstantial evidence, and he told about a lot of cases. He told the jury about one that I think happened in Vermont where two farmers was seen goin' out in the field. They hadn't been very good friends for a long time. Someone heard loud voices and knew they was fightin'. Finally one of 'em never come back and afterwards some bones or somethin' was found, that the doctors said was a farmer's bones. Well, they tried that farmer and found him guilty, and hung him. And then years afterwards the other man come back. And he'd just wandered off in a crazy fit. And after a while another doctor found out that them bones was only sheep bones, and they'd hung an innocent man. He told a lot of stories of that kind, and some of the jury seemed to cry when he told 'em, but I guess they was cryin' for the Vermont man and not for me.

"After my lawyer got through the other lawyer had one more chance, and he was awful hard on me. He made out that I was the worst man that ever lived. He claimed that I had made up my mind to kill her long ago, just to get rid of her, and that I went 'round to all the saloons that day and drank just to get up my nerve. Then he claimed that I took a bottle of whiskey home and drank it up and left the empty bottle on the table, and I took that just to nerve me up. He made more out of the brown paper than he did of anything else, and told how I burned all the rest of the evidence but had forgot to burn this, and how I'd gone into the kitchen and got the poker out of the stove and come back into the settin'-room and killed her, and then took it back; and how cold-blooded I was to take her, after I'd killed her, and go and dump her into that hole away out on the prairie, and how I'd run away, and how that proved I'd killed her, and then he compared me with all the murderers who ever lived since Cain, 'most, and showed how all of 'em was better'n I was, and told the jury that nobody in Chicago would be safe unless I was hung; and if they done their duty and hung me there wouldn't be any more killin' in Chicago after this. I can't begin to tell you what all he said; but it was awful! Once in a while when it was too bad, my lawyer would interrupt, but the judge always decided against me and then the other lawyer went on worse'n before. The papers next day told how fast I changed color while he was talkin', and what a great speech he made, and they all said he ought to be a judge because he was so fearless.

"It took the crowd some time to quiet down after he got through and then the judge asked the jury to stand up, and they stood up, and he read a lot of stuff to 'em, tellin' 'em about the case. 'Most all that he read was 'gainst me. Sometimes I thought he was readin' one on my side, and he told 'em how sure they must be before they could convict, and then he'd wind up by sayin' they must be sure it was done in Cook County. Of course there never was any doubt but what it all happened in Cook County. When the judge got through 'twas most night, and he told the bailiff to take charge of the jury, so he took 'em and the clothes and the brown paper with the blood out in the jury room, and they han'-cuffed me and took me back to my cell.

"I don't believe I ever put in any night that was quite so hard on me—exceptin' mebbe the night I done it—as that one when the jury was out. I guess ever'one thought they wouldn't stay long. I couldn't see that any of 'em ever looked at me once as if they cared whether I lived or died. I don't believe that they really thought I was a man like them; anyhow ever'-one thought they would sentence me to hang in just a few minutes. I s'posed myself that they'd be in before supper. My lawyer come over to the jail with me, because he knew how I felt. And anyhow he was 'most as nervous as I was. After a while they brought me in my supper, and the lawyer went out to get his. Then the guard told me the jury had gone to supper, and he guessed there was some hitch about it, though ever'one thought the jury wouldn't be out long. After a

while the lawyer came back, and he stayed and talked to me until nine or ten o'clock, and the jury didn't come in, so he went to see what was the matter, and come back and said he couldn't find out anything, only that they hadn't agreed.

"Well, he stayed till twelve o'clock, and then the judge went home, and we knew they wa'n't goin' to come in till mornin'. I couldn't sleep that night, but walked back and forth in the cell a good bit of the time. You see it wa'n't this cell. The one I had then was a little bigger. I'd lay down once in a while, and sometimes I'd smoke a cigar that the guard gave me. Anyhow I couldn't really sleep, and was mighty glad when daylight come. In the mornin', kind of early, I heard that jury had agreed and I knew that 'twas bad for me. The best that could happen would be a disagreement. I hadn't allowed myself to have much hope any of the time, but I knew that now it was all off.

"Still I waited and didn't quite give up till they took me back to the courtroom. Then when ever'one had got their places the jury come in, lookin' awful solemn, and the judge looked sober and fierce-like, and he said, 'Gentlemen of the Jury, have you agreed on your verdict?' And the foreman got up and said, 'We have.' Then the judge told the foreman to give the verdict to the clerk. He walked over to the row of chairs and the man at the end of the bottom row reached out his hand and gave the paper to him. The people in the room was still as death. Then the clerk read, 'We, the jury, find the defendant guilty, and sentence him to death.' I set with my head down, lookin' at the paper; I expected it, and made up my mind not to move. Ever'one in the courtroom sort of give a sigh. I never looked up, and I don't believe I moved. The papers next day said I was brazen and had no feelin', even when the jury sentenced me to death.

"The judge was the first one to speak. He turned to the jury and thanked 'em for their patriotism and devotion, and the great courage they'd shown by their verdict. He said they'd done their duty well and could now go back to their homes contented and happy. And he says: 'Mr. Sheriff, remove the prisoner from the room.' Of course, I hadn't expected nothin', and still I wa'n't quite sure—the same as now, when I think mebbe the governor'll change his mind. But when the verdict was read and they said it was death, somehow I felt kind of dazed. I don't really remember their puttin' the han'-cuffs on me, and takin' me back to jail. I don't remember the crowd in the courtroom, or much of anything until I was locked up again, and then my lawyer come and said he would make a motion for a new trial, and not to give up hope. My lawyer told me that the reason they was out so long was one man stuck out for sendin' me to the penitentiary for life instead of hangin' me. We found out that he used to be a switchman. I s'pose he knew what a hard life I had and wanted to make some allowances. The State's Attorney said he'd been bribed, and the newspapers had lots to say about investigatin' the case, but there wa'n't nothin' done about it. But I s'pose mebbe it had some effect on the next case.

"There wa'n't nothin' more done for two or three days. I just stayed in my cell and didn't feel much like talkin' with anyone. Then my lawyer come over and said the motion for a new trial would be heard next day. In the mornin' they han'cuffed me and took me back as usual. There was a lot of people in the courtroom, though not so many as before. My lawyer had a lot of books, and he talked a long while about the case, and told the judge he ought to give me a new trial on account of all the mistakes that was made before. And after he got done the judge said he'd thought of this case a great deal both by day and by night, and he'd tried to find a way not to sentence me to death, but he couldn't do it, and the motion would be overruled. Then he said, 'Jackson, stand up.' Of course I got up, because he told me to. Then he looked at me awful savage and solemn and said, 'Have you got anything to say why sentence should not be passed on you?' and I said 'No!' Then he talked for a long time about how awful bad I was, and what a warnin' I ought to be to ever'body else; and then he sentenced me to be removed to the county-jail and on Friday, the thirteenth day of this month—that's today—to be hanged by the neck till dead, and then he said, 'May God have mercy on your soul!' After that he said, 'Mr. Sheriff, remove the prisoner. Mr. Clerk, call the next case.' And they han'-cuffed me and brought me back.

"I don't know why the judge said, 'May God have mercy on your soul!' I guess it was only a kind of form that they have to go through, and I don't think he meant it, or even thought anything about it. If he had, I don't see how he really could ask God to have mercy on me unless he could have mercy himself. The judge didn't have to hang me unless he wanted to.

"Well, the lawyer come in and told me he ought to appeal the case to the Supreme Court, but it would cost one hundred dollars for a record, and he didn't know where to get the money. I told him I didn't know either. Of course I hadn't any, and told him he might just as well let it go; that I didn't s'pose it would do any good anyhow. But he said he'd see if he could find the money somehow and the next day he come in and said he was goin' to give half out of his own pocket, and he'd seen another feller that didn't want his name mentioned and that thought a man oughtn't to be hung without a chance; he was goin' to give the other half. Of course I felt better then, but still I thought there wa'n't much chance, for ever'body was against me, but my lawyer told me there was a lot of mistakes and errors in the trial and I ought to win.

"Well, he worked on the record and finally got it finished, a great big kind of book that told all about the case. It was only finished a week ago, and I s'posed anyone could take his case to the Supreme Court if he had the money; but my lawyer said no, he couldn't, or rather he said yes, anyone could take his case to the Supreme Court, but in a case like mine, where I was to be hung I'd be dead before the Supreme Court ever decided it, or even before it was tried. Then he said the only way would be if some of the judges looked at the record and made an order that I shouldn't be hung

until after they'd tried the case, but he told me it didn't make any difference how many mistakes the judge had made, or how many errors there was, they wouldn't make any order unless they believed I hadn't done it. He said that if it had been a dispute about a horse or a cow, or a hundred dollars, I'd have a right to go to the Supreme Court, and if the judges found any mistakes in the trial I'd have another chance. But it wa'n't so when I was tried for my life.

"Well, when he'd explained this I felt sure 'twas all off, and I told him so, but he said he was goin' to make the best fight he could and not give up till the end. He said he had a lot at stake himself, though not so much as I had. So he took the record and went to the judges of the Supreme Court and they looked it over, and said mebbe the judge that tried me did make some mistakes, and mebbe I didn't have a fair trial, but it looked as if I was guilty and they wouldn't make any order. So my case never got into the Supreme Court after all and the hundred dollars was wasted.

"Well, when my lawyer told me, of course I felt blue. I'd built some on this, and it begun to look pretty bad. It seemed as if things was comin' along mighty fast, and it looked as if the bobbin was 'most wound up. When you know you're going to die in a week the time don't seem long. Of course if a feller's real sick, and gets run down and discouraged, and hasn't got much grip on things, he may not feel so very bad about dyin', for he's 'most dead anyway, but when a feller's strong, and in good health, and he knows he's got to die in a week, it's a different thing.

"Then my lawyer said there was only one thing left, and that was to go to the gov'nor. He said he knew the gov'nor pretty well and he was goin' to try. He thought mebbe he'd change the sentence to imprisonment for life. When I first come to jail I said I'd rather be hung than to be sent up for life, and I stuck to it even when the jury brought in their verdict, but when it was only a week away I begun to feel different, and I didn't want to die, leastwise I didn't want to get hung. So I told him all the people I knew, though I didn't think they'd help me, for the world seemed to be against me, and the papers kept tellin' what a good thing it was to hang me, and how the State's Attorney and the jury and the judge had been awful brave to do it so quick. But I couldn't see where there was any bravery in it. I didn't have no friends. It might have been right, but I can't see where the brave part come in.

"But every day the lawyer said he thought the gov'nor would do somethin', and finally he got all the names he could to the petition, and I guess it wa'n't very many, only the people that sign all the petitions because they don't believe in hangin'; and day before yesterday, he went down to Springfield to see the gov'nor.

"Well, I waited all day yesterday. I didn't go out of the cell for exercise because I couldn't do anything and I didn't want 'em to see how nervous I was. But I tell you it's ticklish business waitin' all day when you're goin' to be hung in the mornin' unless somethin' happens. I kep' askin' the guard what time 'twas, and when I heard anyone comin' up this way I looked to see if it wa'n't a despatch,

and I couldn't set down or lay down, or do anything 'cept drink whiskey. I hain't really been sober and clear-headed since yesterday noon, in fact, I guess if I had been, I wouldn't kep' you here all night like this. I didn't hardly eat a thing, either, all day, and I asked the guard about it a good many times, and he felt kind of sorry for me but didn't give me much encouragement. You see they've had a guard right here in front of the door all the time, day and night, for two weeks. That's called the death watch, and they set here to see that I don't kill myself, though I can't see why that would make any great difference so long as I've got to die anyhow.

"Well, 'long toward night the guard came and brought me that new suit of clothes over on the bed, and I guess I've got to put 'em on pretty quick. Of course, the guard's been as nice as he could be. He didn't tell me what they's for, but I knew all the same. I know they don't hang nobody in their old clothes. I s'pose there'll be a good many people there, judges and doctors and ministers and lawyers, and the newspapers, and the friends of the sheriff, and politicians, and all, and of course it wouldn't look right to have me hung up there before 'em all in my old clothes,—it would be about like wearin' old duds to a party or to church —so I've got to put on them new ones. They're pretty good, and they look as if they're all wool, don't you think?

"Well, a little while after they brought me the clothes, I seen the guard come up with a telegram in his hand. I could see in his face it wa'n't no use, so of course I wa'n't quite so nervous when I read it. But I opened it to make sure. The lawyer said that the gov'nor wouldn't do nothin'. Then, of course, 'twas all off. Still he said he'd go back about midnight. I don't know whether he meant it, or said it to brace me up a little and kind of let me down easier.

"Of course, the gov'nor could wake up in the night and do it, if he wanted to, and I s'pose such things has been done. I've read 'bout 'em stoppin' it after a man got up on the scaffold. You remember about the gov'nor of Ohio, don't you? He come here to Chicago to some convention, and a man was to be hung in Columbus that day, and the gov'nor forgot it till just about the time, and then he tried for almost an hour to get the penitentiary on the long distance telephone, and he finally got 'em just as the man was goin' up on the scaffold. Such things has happened, but of course, I don't s'pose they'll happen to me. I never had much luck in anything, and I guess I'll be hung all right.

"It seems queer, don't it, how I'm talkin' to you here, and the guard out there, and ever'body good to me, and in just a little while they're goin' to take me out there and hang me! I don't believe I could do it, even if I was a sheriff and got ten thousand dollars a year for it, but I s'pose it has to be done.

"Well, now I guess I've told you all about how ever'thing happened and you und'stand how it was. I s'pose you think I'm bad, and I don't want to excuse myself too much, or make out I'm any saint. I know I never was, but you see how a feller gets into them things when he ain't much different from ever'body else. I know I don't like crime, and I don't believe the other does. I just got into a sort of a mill and here I am right close up to that noose.

"There ain't anyone 'specially that I've got to worry about, 'cept

the boy. Of course it's awful hard for a poor feller to start, anyhow, unless he's real smart, and I don't know how 'twill be with the boy. We always thought he was awful cunnin'; but I s'pose most parents does. But I don't see how he'd ever be very smart, 'cause I wa'n't and neither was his mother. As I was sayin', 'twould be awful hard for him anyhow, but now when he's growed up, and anyone tells him about how his mother was murdered by his father, and how his father got hung for it, and they show him the pictures in the paper and all that, I don't see how he'll ever have any show. It seems as if the state had ought to do somethin' for a child when the state kills its father that way, but it don't unless they sends him to a poor house, or something like that.

"Now, I haven't told you a single lie—and you can see how it all was, and that I wa'n't so awful bad, and that I'm sorry, and would be willin' to die if it would bring her back. And if you can, I wish you'd just kind of keep your eye on the boy. I guess it'll be a good deal better to change his name and not let him nor anyone else know anything about either of us. A good many poor people grow up that way. I don't really know nothin' 'bout my folks. They might've been hung too, for all I know. But you kind of watch the boy and keep track of him, and if he comes up all right and seems to be a smart feller and looks at things right, and he gets to wonderin' about me, and you think 'twill do any good you can tell him just what you feel a mind to, but don't tell him 'less'n you think it will do him good. Of course, I can't never pay you in any way for what you've done for me, but mebbe you'll think it's worth while for a feller that hain't a friend in the world, and who's got to be hung so quick."

Hank struggled as hard as he could to keep back the tears. He was not much used to crying, but in spite of all his efforts they rolled down his face.

"Well, Jim, old feller," he said. "I didn't know how it was—when I come I felt as if you'd been awful bad, and of course I know it wa'n't right, but somehow I know it might have happened to me, or 'most anybody, almost, and that you ain't so bad. I can't tell you anything about how I feel, but I'm glad I come. It's done me good. I don't think I'll ever feel the same about the fellers that go to jail and get hung. I don't know's they could help it any more'n any of us can help the things we do. Anyhow, I sha'n't never let the boy out of my mind a single minit, and I'll do as much for him as if he was mine. I'll look him up the first thing I do. I don't know about changin' his name, I'll see. Anyhow, if he ever gets to hear a bit of it, I'll see he knows how it was."

Jim wrung Hank's hand for a minute in silence, and then said: "And just one word more, Hank; tell him not to be poor; don't let him get married till he's got money, and can afford it, and don't let him go in debt. You know I don't believe I ever would have done it if I hadn't been so poor."

Hank drew back his hand and stepped to the grated door and looked out along the gloomy iron corridors and down toward the courtyard below. Then he looked up at the tiers of cells filled with the hapless outcasts of the world. On the skylight he could see the faint yellowish

glow that told him that the day was about to dawn. The guard got up from his stool and passed him another flask of whiskey.

"Here, you'd better get Jim to drink all he can," he whispered, "for his time is almost up."

Hank took a little sip himself, and then motioned Jim to drink. Jim took the bottle, raised it to his mouth and gulped it down, scarcely stopping to catch his breath. Then he threw the bottle on the bed and sat down on his chair. With the story off his mind it was plain that the whiskey was fast numbing all his nerves. He was not himself when he looked up again.

"I guess mebbe I'd better change my clothes, while I have a chance," he said. "I don't want anyone else to have to do it for me, and I want to look all right when the thing comes off."

A new guard came up to the door, unlocked it and came in. He nodded to Hank and told him he must go.

"His breakfast is just comin' up and it's against the rules to have anyone here at the time. The priest will come to see him after he gets through eatin'."

Over in the corridor where Hank had seen the beams and lumber he could hear the murmur of muffled voices, evidently talking about the work. Along the corridor two waiters in white coats were bringing great trays filled with steaming food.

Slowly Hank turned to Jim and took his hand.

"Well, old fellow," he said, "I've got to go. I see you're all right, but take that Scotch whiskey when it comes; it won't do you any hurt. I'll look after everything just as I said. Good-bye."

Jim seemed hardly to hear Hank's farewell words.

"Well, good-bye."

Hank went outside the door and the guard closed and locked it as he turned away.

Then Jim got up from his chair and stumbled to the door.

"Hank! Hank! S'pose—you—stop at the—telegraph—office—the Western Union—and the—Postal—all of 'em—mebbe—might—be somethin'——"

"All right," Hank called back, "I will! I will!—I'll go to both to make sure if there's anything there; and I'll telephone you by the time you've got through eatin'."

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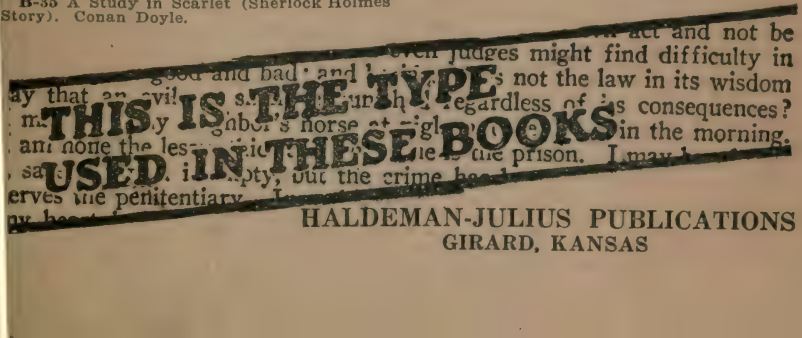

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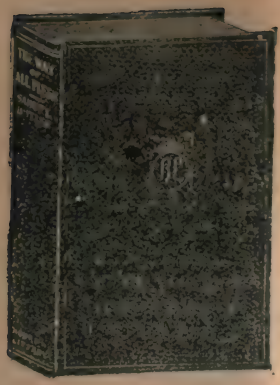

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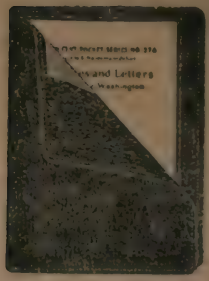

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By

WILLIAM J. FIELDING

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THE MYTH OF THE SOUL

IS THE BELIEF IN IMMORTALITY NECESSARY OR EVEN DESIRABLE?

THE MYTH OF THE SOUL

IS THE BELIEF IN IMMORTALITY NECESSARY OR EVEN DESIRABLE?

There is, perhaps, no more striking example of the credulity of man than the wide-spread belief in immortality. This idea includes not only the belief that death is not the end of what we call life, but that personal identity involving memory persists beyond the grave. So determined is the ordinary individual to hold fast to this belief that, as a rule, he refuses to read or to think upon the subject lest it cast doubt upon his cherished dream. Of those who may chance to look at this contribution, many will do so with the determination not to be convinced, and will refuse even to consider the manifold reasons that might weaken their faith. I know that this is true, for I know the reluctance with which I long approached the subject and my firm determination not to give up my hope. Thus the myth will stand in the way of a sensible adjustment to facts.

Even many of those who claim to believe in immortality still tell themselves and others that neither side of the question is susceptible of proof. Just what can these hopeful ones believe that the word "proof" involves? The evi-

dence against the persistence of personal consciousness is as strong as the evidence of gravitation, and much more obvious. It is as convincing and unassailable as the proof of the destruction of wood or coal by fire. If it is not certain that death ends personal identity and memory, then almost nothing that man accepts as true is susceptible of proof.

The beliefs of the race and its individuals are relics of the past. Without careful examination no one can begin to understand how many of man's cherished opinions have no foundation in fact. The common experience of all men should teach them how easy it is to believe what they wish to accept. Experienced psychologists know perfectly well that if they desire to convince a man of some idea, they must first make him *want* to believe it. There are so many hopes, so many strong yearnings and desires attached to the doctrine of immortality that it is practically impossible to create in any mind the wish to be mortal. Still, in spite of strong desires, millions of people are filled with doubts and fears that will not down. After all, is it not better to look the question squarely in the face and find out whether we are harboring a delusion?

It is customary to speak of a "belief in im-

mortality." First, then, let us see what is meant by the word "belief." If I take a train in Chicago at noon, bound for New York, I believe I will reach that city the next morning. I believe it because I have been to New York. I have read about the city, I have known many other people who have been there, and their stories are not inconsistent with any known facts in my own experience. I have even examined the time tables and I know just how I will go and how long the trip will take. In other words, when I board the train for New York, I believe I will reach that city because I have *reason* to believe it.

If, instead, I wanted to see Timbuktu or some other point on the globe where I had never been, or of which I had only heard, I still know something about geography, and if I did not I could find out about the place I wished to visit. Through the encyclopedia and other means of information, I could get a fair idea of the location and character of the country or city, the kind of people who lived there and almost anything I wished to know, including the means of transportation and the time it would take to go and return. I already am satisfied that the earth is round. I know about its size. I know the extent of its land

and water. I know the names of its countries; I know perfectly well that there are many places on its surface that I have never seen. I can easily satisfy myself as to whether there is any such place and how to get there, and what I shall do when I arrive.

But if I am told that next week I shall start on a trip to Goofville; that I shall not take my body with me; that I shall stay for all eternity: can I find a single fact connected with my journey—the way I shall go, the time of the journey, the country I shall reach, its location in space, the way I shall live there—or anything that would lead to a rational belief that I shall really make the trip? Have I ever known anyone who has made the journey and returned? If I am really to believe, I must try to get some information about all these important facts.

But people hesitate to ask questions about life after death. They do not ask, for they know that only silence comes out of the eternal darkness of endless space. If people really believed in a beautiful, happy, glorious land waiting to receive them when they died; if they believed that their friends would be waiting to meet them; if they believed that all pain and suffering would be left behind: why should

they live through weeks, months, and even years of pain and torture while a cancer eats its way to the vital parts of the body? Why should one fight off death? Because he does *not* believe in any real sense: he only hopes. Everyone knows that there is no real evidence of any such state of bliss; so we are told not to search for proof. We are to accept through faith alone. But every thinking person knows that faith can only come through belief. Belief implies a condition of mind that accepts a certain idea. This condition can be brought about only by evidence. True, the evidence may be simply the unsupported statement of your grandmother; it may be wholly insufficient for reasoning men; but, good or bad, it must be enough for the believer or he could not believe.

Upon what evidence, then, are we asked to believe in immortality? There is no evidence. One is told to rely on faith, and no doubt this serves the purpose so long as one can believe blindly whatever he is told. But if there is no evidence upon which to build a positive belief in immortality, let us examine the other side of the question. Perhaps evidence can be found to support a positive conviction that immortality is a delusion.

The belief in immortality expresses itself in two different forms. On the one hand, there is a belief in the immortality of the "soul." This is sometimes interpreted to mean simply that the identity, the consciousness, the memory of the individual persists after death. On the other hand, many religious creeds formulated a belief in "the resurrection of the body" —which is something else again. It will be necessary to examine both forms of this belief in turn.

The idea of continued life after death is very old. It doubtless had its roots back in the childhood of the race. In view of the limited knowledge of primitive man, it was not unreasonable. His dead friends and relatives visited him in dreams and visions and were present in his feeling and imagination until they were forgotten. Therefore the lifeless body did not raise the question of dissolution, but rather of duality. It was thought that man was a dual being possessing a body and a soul as separate entities, and that when a man died, his soul was released from his body to continue its life apart. Consequently, food and drink were placed upon the graves of the dead to be used in the long journey into the unknown. In modified forms, this belief in the

duality of man persists to the present day. But primitive man had no conception of life as having a beginning and an end. In this he was like the rest of the animals. Today, everyone of ordinary intelligence knows how life begins, and to examine the beginnings of life leads to inevitable conclusions about the way life ends. If man has a soul, it must creep in somewhere during the period of gestation and growth.

All the higher forms of animal life grow from a single cell. Before the individual life can begin its development, it must be fertilized by union with another cell; then the cell divides and multiplies until it takes the form and pattern of its kind. At a certain regular time the being emerges into the world. During its term of life millions of cells in its body are born, die, and are replaced until, through age, disease, or some catastrophe, the cells fall apart and the individual life is ended.

It is obvious that but for the fertilization of the cell under right conditions, the being would not have lived. It is idle to say that the initial cell has a soul. In one sense it has life; but even that is precarious and depends for its continued life upon union with another cell of the proper kind. The human mother is the bearer of probably ten thousand of one kind of cell,

and the human father of countless billions of the other kind. Only a very small fraction of these result in human life. If the unfertilized cells of the female and the unused cells of the male are human beings possessed of souls, then the population of the world is infinitely greater than has ever been dreamed. Of course no such idea as belief in the immortality of the germ cells could satisfy the yearnings of the individual for a survival of life after death.

If that which is called a "soul" is a separate entity apart from the body, when, then, and where and how was this soul placed in the human structure? The individual began with the union of two cells, neither of which had a soul. How could these two soulless cells produce a soul? I must leave this search to the metaphysicians. When they have found the answer, I hope they will tell me, for I should really like to know.

We know that a baby may live and fully develop in its mother's womb and then, through some shock at birth, may be born without life. In the past, these babies were promptly buried. But now we know that in many such cases, where the bodily structure is complete, the machine may be set to work by artificial respiration or electricity. Then it will run like

any other human body through its allotted term of years. We also know that in many cases of drowning, or when some mishap virtually destroys life without hopelessly impairing the body, artificial means may set it in motion once more, so that it will complete its term of existence until the final catastrophe comes. Are we to believe that somewhere around the stillborn child and somewhere in the vicinity of the drowned man there hovers a detached soul waiting to be summoned back into the body by a pulmotor? This, too, must be left to the metaphysicians.

The beginnings of life yield no evidence of the beginnings of a soul. It is idle to say that the something in the human being which we call "life" is the soul itself, for the soul is generally taken to distinguish human beings from other forms of life. There is life in all animals and plants, and at least potential life in inorganic matter. This potential life is simply unreleased force and matter—the great storehouse from which all forms of life emerge and are constantly replenished. It is impossible to draw the line between inorganic matter and the simpler forms of plant life, and equally impossible to draw the line between plant life and animal life, or between other forms of animal life and what we human beings are pleased

to call the highest form. If the thing which we call "life" is itself the soul, then cows have souls; and, in the very nature of things, we must allow souls to all forms of life and to inorganic matter as well.

Life itself is something very real, as distinguished from the soul. Every man knows that his life had a beginning. Can one imagine an organism that has a beginning and no end? If I did not exist in the infinite past, why should I, or could I, exist in the infinite future? "But," say some, "your consciousness, your memory may exist even after you are dead. This is what we mean by the soul." Let us examine this point a little.

I have no remembrance of the months that I lay in my mother's womb. I cannot recall the day of my birth nor the time when I first opened my eyes to the light of the sun. I cannot remember when I was an infant, or when I began to creep on the floor, or when I was taught to walk, or anything before I was five or six years old. Still, all of these events were important, wonderful, and strange in a new life. What I call my "consciousness," for lack of a better word and a better understanding, developed with my growth and the crowding experiences I met at every turn. I have a hazy recollection of the burial of a boy soldier who

was shot toward the end of the Civil War. He was buried near the schoolhouse when I was seven years old. But I have no remembrance of the assassination of Abraham Lincoln, although I must then have been eight years old. I must have known about it at the time, for my family and my community idolized Lincoln, and all America was in mourning at his death. Why do I remember the dead boy soldier who was buried a year before? Perhaps because I knew him well. Perhaps because his family was close to my childish life. Possibly because it came to me as my first knowledge of death. At all events, it made so deep an impression that I recall it now.

"Ah, yes," say the believers in the soul, "what you say confirms our own belief. You certainly existed when these early experiences took place. You were conscious of them at the time, even though you are not aware of it now. In the same way, may not your consciousness persist after you die, even though you are not aware of the fact?"

On the contrary, my fading memory of the events that filled the early years of my life leads me to the opposite conclusion. So far as these incidents are concerned, the mind and consciousness of the boy are already dead. Even now, am I fully alive? I am seventy-one

years old. I often fail to recollect the names of some of those I knew full well. Many events do not make the lasting impression that they once did. I know that it will be only a few years, even if my body still survives decay, when few important matters will even register in my mind. I know how it is with the old. I know that physical life can persist beyond the time when the mind can fully function. I know that if I live to an extreme old age, my mind will fail. I shall eat and drink and go to my bed in an automatic way. Memory—which is all that binds me to the past—will already be dead. All that will remain will be a vegetative existence; I shall sit and doze in the chimney corner, and my body will function in a measure even though the ego will already be practically dead. I am sure that if I die of what is called "old age," my consciousness will gradually slip away with my failing emotions! I shall no more be aware of the near approach of final dissolution than is the dying tree.

I am aware that now and then at long intervals there is a man who preserves his faculties until a late period of his life. I know that these cases are very, very rare. No superstition needs to be called into service to account for the unusual things that are incident to life. There may be those who retain,

in a measurable degree, consciousness and mental activity beyond the time of the ordinary mortal. Still, everyone with the least information knows that it is almost a universal rule that the body declines with age, and that those who live a long life gradually yield their intellectual activity until they reach the period of senility and unconsciousness.

In primitive times, before men knew anything about the human body or the universe of which it is a part, it was not unreasonable to believe in spirits, ghosts, and the duality of man. For one thing, celestial geography was much simpler then. Just above the earth was a firmament in which the stars were set, and above the firmament was heaven. The place was easy of access and in dreams the angels were seen going up and coming down on a ladder. But now we have a slightly more adequate conception of space and the infinite universe of which we are so small a part. Our great telescopes reveal countless worlds and planetary systems which make our own sink into utter insignificance in comparison. We have every reason to think that beyond our sight there is endless space filled with still more planets, so infinite in size and number that no brain has the smallest conception of their extent. Is there any reason to think that in this universe,

with its myriads of worlds, there is no other life so important as our own? Is it possible that the inhabitants of the earth have been signaled out for special favor and endowed with souls and immortal life? Is it at all reasonable to suppose that any special account is taken of the human atoms that forever come and go upon this planet?

If man has a soul that persists after death, that goes to a heaven of the blessed or to a hell of the damned, where are these places? It is not so easily imagined as it once was. How does the soul make its journey? What does immortal man find when he gets there, and how will he live after he reaches the end of endless space? We know that the atmosphere will be absent; that there will be no light, no heat—only the infinite reaches of darkness and frigidity.

If there is a future place for the abode of the spirits of the dead, where is this place? Trusting people have made pictures and mental images of this abode of the dead. The revelation of St. John treats rather specifically of this far-off land, but it is evident that St. John was a psychopath and his case would be plainly recognized today. True, this picture of St. John's is not very alluring to intelligent men.

Still, trusting and confiding mortals have visioned in words, at least, a land where families would be re-united and neighbors and friends come together once more. In this smug little place, fashioned upon experiences of life upon this mundane sphere husbands and wives, long parted, will be united. Parents and children, and grandparents and grandchildren, too, will assemble in families in that land of the blessed and the dead.

These conceptions were formed early in the history of man, in fact, it has only been in recent years that we have had any knowledge or vision of the immensity of space and of the impossibility of any such place as is visioned by the credulous and trusting. We know now that the earth revolves upon its axis at a terrific speed. This motion makes a complete revolution in twenty-four hours. We know down to the second of time that no spot bears the same relation to space as it did before. If one who dies at midnight has a soul and starts on his trip to Heaven, he goes in an opposite direction from one who dies at noon, and the chances to meet under any circumstances which can be conceived would grow less as they traveled on. Besides this revolution on its axis, the earth is traveling at an inconceivable speed around the sun, which, at all times, is

about ninety-three million miles away. This complete journey is made once a year. In its orbit around the sun it travels more than a thousand miles a minute. This constant appalling speed would evidently add to the confusion of two mortals locating themselves in the same spot in space, even though they had souls. The atmosphere, even in its most attenuated form, does not reach over five hundred miles away from the earth, and for only a small fraction of that space could life as we conceive it exist. And when the earth leaves a given spot in space the atmosphere is carried along with it. In addition to the motion of the earth on its axis and its unthinkable speed in its circuit around the sun, the whole solar system is traveling around the pole star, accompanied no doubt by many other systems like our own; no one can tell how fast it goes or how far it goes, in what seems endless space. And these systems travel in turn around some other central point in the far-off Milky Way, and no one knows how many other apparently central points somewhere off amongst the stars and worlds and suns furnish foci around which the earth and all the systems constantly revolve. What possible means of locomotion could be furnished for mortals to find a place of rest. and what possible unimaginable guide

could pilot individuals going in different directions at all times of the day and night and all portions of the year and century, and other greater periods of time, to this haven of the blessed? All of these conceptions beggar any sort of imagination and make and substitute the wildest unthinkable dreams in place of real beliefs.

There are those who base their hope of a future life upon the resurrection of the body. This is a purely religious doctrine. It is safe to say that few intelligent men who are willing to look obvious facts in the face hold any such belief. Yet we are seriously told that Elijah was carried bodily to heaven in a chariot of fire, and that Jesus arose from the dead and ascended into heaven. The New Testament abounds in passages that support this doctrine. St. Paul states the tenet over and over again. In the fifteenth chapter of first Corinthians he says: "If Christ be preached that he rose from the dead, how say some among you that there is no resurrection of the dead? . . . And if Christ be not risen, then is our preaching vain . . . For if the dead rise not, then is not Christ raised." The Apostles' Creed says: "I believe in the resurrection of the body." This has been carried into substantially all the orthodox creeds; and while it is more or less

minimized by neglect and omission, it is still a cardinal doctrine of the orthodox churches.

Two thousand years ago, in Palestine, little was known of man, of the earth, or of the universe. It was then currently believed that the earth was only four thousand years old, that life had begun anew after the deluge about two thousand years before, and that the entire earth was soon to be destroyed. Today it is fairly well established that man has been upon the earth for a million years. During that long stretch of time the world has changed many times; it is changing every moment. At least three or four ice ages have swept across continents, driving death before them, carrying human beings into the sea or burying them deep in the earth. Animals have fed on man and on eash other. Every dead body, no matter whether consumed by fire or buried in the earth, has been resolved into its elements, so that the matter and energy that once formed human beings has fed animals and plants and other men. As the great naturalist, Fabre, has said: "At the banquet of life each is in turn a guest and a dish." Thus the body of every man now living is in part made from the bodies of those who have been dead for ages.

Yet we are still asked to believe in the resurrection of the body. By what alchemy, then,

are the individual bodies that have successfully fed the generations of men to be separated and restored to their former identities? And if I am to be resurrected, what particular *I* shall be called from the grave, from the animals and plants and the bodies of other men who shall inherit this body I now call my own? My body has been made over and over, piece by piece, as the days went by, and will continue to be so made until the end. It has changed so slowly that each new cell is fitted into the living part, and will go on changing until the final crisis comes. Is it the child in the mother's womb or the tottering frame of the old man that shall be brought back? The mere thought of such a resurrection beggars reason, ignores facts, and enthrones blind faith, wild dreams, hopeless hopes, and cowardly fears as sovereign of the human mind.

Some of those who profess to believe in the immortality of man—whether it be of his soul or his body—have drawn what comfort they could from the modern scientific doctrine of the indestructibility of matter and force. This doctrine, they say, only confirms in scientific language what they have always believed. This, however, is pure sophistry. It is probably true that no matter or force has ever been or ever

can be destroyed. But it is likewise true that there is no connection whatever between the notion that personal consciousness and memory persist after death and the scientific theory that matter and force are indestructible. For the scientific theory carries with it a corollary, that the forms of matter and energy are constantly changing through an endless cycle of new combinations. Of what possible use would it be, then, to have a consciousness that was immortal, but which, from the moment of death, was dispersed into new combinations, so that no two parts of the original identity could ever be reunited again?

These natural processes of change, which in the human being take the forms of growth, disease, senility, death, and decay, are essentially the same as the processes by which a lump of coal is disintegrated in burning. One may watch the lump of coal burning in the grate until nothing but ashes remains. Part of the coal goes up the chimney in the form of smoke; part of it radiates through the house as heat; the residue lies in the ashes on the hearth. So it is with human life. In all forms of life nature is engaged in combining, breaking down, and recombining her store of energy and matter into new forms. The thing we call

"life" is nothing other than a state of equilibrium which endures for a short span of years between the two opposing tendencies of nature —the one that builds up, and the one that tears down. In old age, the tearing-down process has already gained the ascendency, and when death intervenes, the equilibrium is finally upset by the complete stoppage of the building-up process, so that nothing remains but complete disintegration. The energy thus released may be converted into grass or trees or animal life; or it may lie dormant until caught up again in the crucible of nature's laboratory. But whatever happens, the man—the *You* and the *I*—like the lump of coal that has been burned, is gone—irrevocably dispersed. All the King's horses and all the King's men cannot restore it to its former unity.

The idea that man is a being set apart, distinct from all the rest of nature, is born of man's emotions, of his loves and hates, of his hopes and fears, and of the primitive conceptions of undeveloped minds. The *You* and the *I* which is known to our friends does not consist of an immaterial something called a "soul" which cannot be conceived. We know perfectly well what we mean when talk about this *You* and this *Me*: and it is equally plain that

the whole fabric that makes up our separate personalities is destroyed, dispersed, disintegrated beyond repair by what we call "death."

As a matter of fact, does *anyone* really believe in a future life? The faith does not simply involve the persistence of activity, but it has been stretched and magnified to mean a future world infinitely better than the earth. In this far-off land no troubles will harass the body or the soul. Eternity will be an eternity of bliss. Heaven, a land made much more delightful because of the union with those who have gone before. This doctrine has been taught so persistently through the years that men and women of strong faith in their dying moments have seen relatives and friends, long since dead, who have come to lead them to their heavenly home.

Does the conduct of the intense disciple show that he really believes that death is a glad deliverance? Why do men and women who are suffering torture on earth seek to prolong their days of agony? Why do victims of cancer being slowly eaten alive for months and years prefer enduring such pain rather than going to a land of bliss? Why will the afflicted travel all over the world and be cut to pieces by inches that they may stay a few weeks longer, in agony

and torture? The one answer that is made to this query is that the afflicted struggle to live because it is their duty to hang fast to mortal life, no matter what the pain or the expected joy in heaven. The answer is not true. The afflicted cling to life because they doubt their faith, and do not wish to let go of what they have, terrible as it is.

Those who refuse to give up the idea of immortality declare that nature never creates a desire without providing the means for its satisfaction. They likewise insist that all people, from the rudest to the most civilized yearn for another life. As a matter of fact, nature creates many desires which she does not satisfy; most of the wishes of men meet no fruition. But nature does not create any emotion demanding a future life. The only yearning that the individual has is to keep on living—which is a very different thing. This urge is found in every animal, in every plant. It is simply the momentum of a living structure: or, as Schopenhauer put it, "the will to live." What we long for is a continuation of our present state of existence, not an uncertain reincarnation in a mysterious world of which we know nothing. The idea of another life is created after men are convinced that this life ends.

I am not unmindful of those who base their hope of a future life on what they claim are the evidences furnished by the investigation of spiritualism. So far as having any prejudice against this doctrine, I have no more desire to disbelieve than I have as to any other theories of a future life. In fact, for many years, I have searched here for evidence that man still lives after all our senses show that he is dead. For more than fifty years until almost ten years past, I have given some attention to Spiritualism. I have read most of the important books of scientists: Alfred Russel Wallace, Crooks, Oliver Lodge, and the books of many other men of ability and integrity who believed that they had found their dead friends who had come back to them. Likewise, I have for years investigated what are called spiritual phenomena. I am satisfied that if any intelligent man, in possession of his senses, thoroughly investigates Spiritualism, he will find that there is no evidence to support his faith. At least nine-tenths of the phenomena can be set down as pure fraud and imposition. The evidence comes in the main from mediums who are ignorant, and whose tricks are clumsy in the extreme. Perhaps one-tenth of the manifestations are not the result of fraud but the evidence is entirely inadequate to prove the cause of the phenomena.

It is possible that there are phenomena which no one can explain. I have many times seen what are called manifestations of spirit-return that I could not explain, but all of these failed utterly to convince me of the communication of disembodied spirits. It does not follow that because the manifestations are strange and weird, and for the present unexplainable, that those phenomena show that life persists after death. In the realm of these manifestations, the evidence of scientists is worth no more than the evidence of other men. Most likely it is worth much less. The truth is that real scientists, outside of their special field, are more helpless than other men in detecting frauds and tricks. It is likewise true that most of the men of science, like Sir Oliver Lodge, have come to their conviction late in life, and under some great stress, which is calculated to unsettle the mind, in the particular field to which they appeal.

Sir Oliver Lodge lost his son in the great war. This was a sore bereavement to this eminent scientist. When one considers the greatness of Lodge, the clearness with which he discusses every scientific theory with which he deals, and then reads his book called "Raymond," in which he tells of his meetings with his beloved son, it is not difficult to see that

as to this bereavement his mind was unsettled and he is reaching out in the darkness to find what he so strongly wants.

Is it possible that any sort of proof could prove the existence of an individual after his decay? Suppose that some good fairy, distressed at my unbelief, should come to me with the offer to produce any evidence that I desired to satisfy me that I would see my loved ones after death; suppose I should tell this fairy that my father had been dead for twenty years; that I followed his lifeless body to the crematory where he was converted into ashes; that I desired to have him brought back to me as a living entity, and to stay in my house for a year, that I might not be deceived. Assume that when the year had passed I should go out and tell my neighbors and friends that my father had been living in my house, although he died two score years ago; suppose that they believed implicitly in my integrity and my judgment; even then, could I convince one person that my statement was true? Would they be right in doubting my word? After all, which is the more reasonable, that the dead have come back to life, or that I have become insane? All of my friends would say: "Poor fellow, I am sorry he has lost his mind." Against the universal experience of mankind

and nature, the dementia or the insanity of one man, or a thousand men, could count as nothing. The insane asylums of the world are filled with men who have these dreams and visions which are realities to them, but which no one else believes, because they are entirely at variance with well-known facts.

All men recognize the hopelessness of finding any evidence that the individual will persist beyond the grave. As a last resort, we are told that it is better that the doctrine be believed even if it is not true. We are assured that without this faith, life is only desolation and despair. However that may be, it remains that many of the conclusions of logic are not pleasant to contemplate; still, so long as men think and feel, at least some of them will use their faculties as best they can. For if we are to believe things that are not true, who is to write our creed? Is it safe to leave it to any man or organization to pick out the errors that we must accept? The whole history of the world has answered this question in a way that cannot be mistaken.

And after all, is the belief in immortality necessary or even desirable for man? Millions of men and women have no such faith; they go on with their daily tasks and feel joy and sorrow without the lure of immortal life. The

things that really affect the happiness of the individual are the matters of daily living. They are the companionship of friends, the games and contemplations. They are misunderstandings and cruel judgments, false friends and debts, poverty and disease. They are our joys in our living companions and our sorrows over those who die. Whatever our faith, we mainly live in the present—in the here and now. Those who hold the view that man is mortal are never troubled by metaphysical problems. At the end of the day's labor we are glad to lose our consciousness in sleep; and intellectually, at least, we look forward to the long rest from the stresses and storms that are always incidental to existence.

When we fully understand the brevity of life, its fleeting joys and unavoidable pains; when we accept the facts that all men and women are approaching an inevitable doom: the consciousness of it should make us more kindly and considerate of each other. This feeling should make men and women use their best efforts to help their fellow travelers on the road, to make the path brighter and easier as we journey on. It should bring a closer kinship, a better understanding, and a deeper sympathy for the wayfarers who must live a common life and die a common death.

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THE FAMOUS EXAMINATION OF BRYAN AT THE SCOPES EVOLUTION TRIAL

FOREWORD

The state of Tennessee passed an anti-evolution law, forbidding teaching in public schools that man is descended or has evolved from lower forms of life. John Thomas Scopes, a teacher, was accused of violating this law, and was tried; ultimately he was found guilty and fined $100. He was guilty, that is, of violation of the law in its literal sense, which was not concerned with the scientific truth or untruth of evolution.

The trial took place in Dayton, Tenn., from July 10 to July 21, 1925. The eyes of the world were fixed upon the Dayton courthouse for those twelve days. Attorneys for the defense were the eminent Clarence Darrow, Arthur Garfield Hays, and Dudley Field Malone. The judge who tried the case was John T. Raulston. William Jennings Bryan was present, as a devout element in the prosecution. It was on July 20th that Clarence Darrow put Mr. Bryan on the witness stand, and cross-examined him: a cross-examination that went down in legal history as one of the most remarkable ever conducted, and which made Bryan the laughing-stock of every educated person. So alluring was the scene of the trial that many famous people were present besides those taking part, including H. L. Mencken and E. Haldeman-Julius.

Attorney-General Stewart, prosecuting the

case for the state, was assisted by Gen. B. G. McKenzie, his son, J. G. McKenzie, and several other lawyers. A preacher opened each day's session with prayer—a procedure which was a point of controversy during the trial.

The cross-examination of William Jennings Bryan—which was not before the jury, since the Court (Judge Raulston) ruled that the evidence was not relevant, but allowed it to be written into the record—was intended to show that the Bible was open to wide and liberal interpretation. Darrow's entire effort was directed to show that the Bible was not accepted literally even by the Fundamentalist Bryan. This point was important, since the anti-evolution law was based on a literal interpretation of the Bible, word for word, as in the accepted (usually King James) version. The day following the cross-examination of Bryan, Judge Raulston, a pious Fundamentalist, reconsidered his action in permitting the examination to go on. He came to the conclusion that the cross-examination was improper evidence to go into the record, and ruled that it should be expunged.

A complete picture of the Scopes trial, and Clarence Darrow's part in it, is given in *Clarence Darrow's Two Great Trials*, by Marcet Haldeman-Julius (Big Blue Book No. B-29). The life of Bryan is available, also, in the Little Blue Book entitled *The Truth About William Jennings Bryan* (Little Blue Book No. 1072). The scientific facts about evolution are available in several Little Blue Books, listed in any catalog.

THE EXAMINATION

Mr. Darrow: Your honor, before you send for the jury, I think it my duty to make this motion. Off to the left of where the jury sits a little bit and about ten feet in front of them is a large sign about ten feet long reading, "Read Your Bible," and a hand pointing to it. The word "Bible" is in large letters. I move that it be removed.

Gen. McKenzie: If your honor please, why should it be removed? It is their defense and stated before the court, that they do not deny the Bible, that they expected to introduce proof to make it harmonize. Why should we remove the sign cautioning people to read the Word of God to satisfy the others in the case?

J. G. McKenzie: If your honor please, I believe in the Bible as strong as anybody else here but if that sign is objectionable to the attorneys for the defense, and they do not want to be repeatedly reminded of the fact that they should read their Bible, I think this court ought to remove it.

Mr. Malone: Your honor, I do not think that is the statement of the position of the attorneys for the defense. We are trying a case here which we believe has very definite issues and aspects; we believe even though the court has moved downstairs for safety and comfort, that everything which might possibly prejudice the jury along religious lines, for or against the defense, should be removed from in front of the jury. The opinions of the mem-

bers of the counsel for the defense, our religious beliefs, or Mr. Darrow's nonbelief, are none of the business of counsel for the prosecution. We do not wish that referred to again. The counsel for the defense are not on trial here. Mr. Scopes here is on trial and we are merely asking this court to remove anything of a prejudicial nature that we may try these issues, and, so the court will be taken out of a prejudicial atmosphere. (*Applause.*)

Mr. Bryan: If the court, please—

The Court: Col. Bryan, I will hear you.

Mr. Bryan: May it please the court, very often in the course of a trial, questions come up which may be decided on one of several grounds. One is the ground as to what is right. There are certain technicalities that are sometimes observed, and then there are decisions made in the spirit of accommodation. I cannot see that there is any inconsistency, even subtechnically, about taking that "Bible" up there off for the defense, if the defense insists that there is nothing in evolution that is contrary to it. (*Applause.*) If their arguments are sound and sincere, that the Bible can be construed so as to recognize evolution, I cannot see why "Read Your Bible" would necessarily mean partiality toward our side. It seems to me that both of us would want to read the Bible if both of us find in it the basis of our belief. I am going to quote the Bible in defense of our position, and I am going to hold the Bible as safe, though they try to discard it from our wall. Paul said: "If eating meat maketh my brother to offend,

I shall eat no meat while the world lasts." I would not go that far—that is, I would not say while the world lasts, but if leaving that up there during the trial makes our brother to offend I would take it down during trial.

Mr. Darrow: Let me say something. Your honor, I just want to make this suggestion. Mr. Bryan says the Bible and evolution conflict. Well, I do not know, I am for evolution. anyway. We might agree to get up a sign of equal size on the other side and in the same position reading, "Hunter's Biology," or "Read your evolution." This sign is not here for no purpose, and it can have no effect but to influence this case, and I read the Bible myself—more or less—and it is pretty good reading in places. But this case has been made a case where it is to be the Bible or evolution, and we have been informed by Mr. Bryan, who, himself a profound Bible student, has an essay every Sunday as to what it means. We have been informed that a Tennessee jury who are not especially educated are better judges of the Bible than all of the scholars in the world. and when they see that sign, it means to them their construction of the Bible. It is pretty obvious that it is not fair, your honor, and we object to it.

Mr. Bryan: I am sure the gentleman does not mean to misrepresent me, but if he will get the record he will find that he has misquoted me.

Mr. Darrow: I am sorry if I did. Perhaps I did.

Mr. Bryan: I said any of the scholars whom

the defense could or would call—that is different from the statement as made by the gentleman. Besides, the gentleman's statement is not pertinent. He said he would put up "Hunter's Biology." We are not both swearing by Hunter's Biology. We are swearing by the Bible, if we can accept in good faith what the defendant has said.

Mr. Darrow: Oh, no, there is a variance.

The Court: The issues in this case, as they have been finally determined by this court, is whether or not it is unlawful to teach that man descended from a lower order of animals. I do not understand that that issue involves the Bible. If the Bible is involved, I believe in it and am always on its side, but it is not for me to decide in this case. If the presence of the sign irritates anyone, or if anyone thinks it might influence the jury in any way, I have no purpose except to give both sides a fair trial in this case. Feeling that way about it, I will let the sign come down. (*The sign was removed.*)

Mr. Hays: Your honor will remember that in my argument the other day I insisted there was no such thing as the Bible, that there are many bibles; but the court took judicial notice that the King James' version was the Bible The court has the right to take judicial notice of other bibles, and I will ask the court to admit in evidence a translation of the Holy Bible from the Vulgate, which I understand is the Catholic Bible, as evidence in this case.

The Court: Let it be filed.

Mr. Hays: Your honor, we wish to introduce as evidence, likewise, the Hebrew Bible; and

we are going to ask that the first two chapters, likewise, be regarded as in evidence. And we believe we can show, through these translations we wish read into the record, that the Bible was not accurately translated into English, and of particular interest on the question of evolution. We have a right to do so to this extent: That if it should appear that the Catholic Bible is different in any part from the King James version, or that the Hebrew Bible is different in any part from the King James version, we have a right to show it. We should be permitted, in our argument, to show that there is a difference, and that it is not merely interpretative.

The Court: The question is whether or not Mr. Scopes taught men descended from the lower order of animals.

Mr. Hays: And whether or not that is contrary to the theory in the St. James version.

The Court: No, not—

Mr. Hays: The defense desires to call Mr. Bryan as a witness, and, of course, since the only question here is whether Mr. Scopes taught what these children said he taught, we recognize what Mr. Bryan says as a witness would not be very valuable. We think there are other questions involved, and we should want to take Mr. Bryan's testimony for the purposes of our record, even if your honor thinks it is not admissible in general, so we wish to call him now.

The Court: If you ask him about any confidential matter, I will protect him, of course.

Mr. Darrow: I do not intend to do that.

The Court: On scientific matters, Col. Bryan can speak for himself.

Mr. Bryan: If your honor please, I insist that Mr. Darrow can be put on the stand, and Mr. Malone and Mr. Hays.

The Court: Call anybody you desire. Ask them any questions you wish.

Mr. Bryan: Then, we will call all three of them.

Mr. Darrow: Not at once?

Mr. Bryan: Where do you want me to sit?

The Court: Mr. Bryan, you are not objecting to going on the stand?

Mr. Bryan: Not at all.

The Court: Do you want Mr. Bryan sworn?

Mr. Darrow: No.

Mr. Bryan: I can make affirmation; I can say "So help me God, I will tell the truth."

Mr. Darrow: No, I take it you will tell the truth, Mr. Bryan. You have given considerable study to the Bible, haven't you, Mr. Bryan?

Mr. Bryan: Yes, sir, I have tried to.

Q—Well, we all know you have; we are not going to dispute that at all. But you have written and published articles almost weekly, and sometimes have made interpretations of various things?

A—I would not say interpretations, Mr. Darrow, but comments on the lesson.

Q—If you comment to any extent these comments have been interpretations.

A—I presume that my discussion might be to some extent interpretations, but they have not been primarily intended as interpretations.

Q—But you have studied that question, of course?

A—Of what?

Q—Interpretation of the Bible.

A—On this particular question?

Q—Yes, sir.

A—Yes, sir.

Q.—Then you have made a general study of it?

A—Yes, I have; I have studied the Bible for about fifty years, or something more than that, but, of course, I have studied it more as I have become older than when I was but a boy.

Q—Do you claim that everything in the Bible should be literally interpreted?

A—I believe everything in the Bible should be accepted as it is given there; some of the Bible is given illustratively. For instance: "Ye are the salt of the earth." I would not insist that man was actually salt, or that he had flesh of salt, but it is used in the sense of salt as saving God's people.

Q—But when you read that Jonah swallowed the whale—or that the whale swallowed Jonah—excuse me, please—how do you literally interpret that?

A—When I read that a big fish swallowed Jonah—it does not say whale.

Q—Doesn't it? Are you sure?

A—That is my recollection of it. A big fish, and I believe it, and I believe in a God who can make a whale and can make a man and make both do what He pleases.

Q—Mr. Bryan, doesn't the New Testament say whale?

A—I am not sure. My impression is that it says fish; but it does not make so much difference; I merely called your attention to

where it says fish—it does not say whale.

Q—But in the New Testament it says whale, doesn't it?

A—That may be true; I cannot remember in my own mind what I read about it.

Q—Now, you say, the big fish swallowed Jonah, and he there remained how long—three days—and then he spewed him upon the land. You believe that the big fish was made to swallow Jonah?

A—I am not prepared to say that; the Bible merely says it was done.

Q—You don't know whether it was the ordinary run of fish, or made for that purpose?

A—You may guess; you evolutionists guess.

Q—But when we do guess, we have a sense to guess right.

A—But do not do it often.

Q—You are not prepared to say whether that fish was made especially to swallow a man or not?

A—The Bible doesn't say, so I am not prepared to say.

Q—You don't know whether that was fixed up specially for the purpose?

A—No, the Bible doesn't say.

Q—But do you believe He made them—that He made such a fish and that it was big enough to swallow Jonah?

A—Yes, sir. Let me add: One miracle is just as easy to believe as another.

Q—It is for you.

A—It is for me.

Q—Just as hard?

A—It is hard to believe for you, but easy

for me. A miracle is a thing performed beyond what man can perform. When you get beyond what man can do, you get within the realm of miracles; and it is just as easy to believe the miracle of Jonah as any other miracle in the Bible.

Q—Perfectly easy to believe that Jonah swallowed the whale?

A—If the Bible said so; the Bible doesn't make as extreme statements as evolutionists do.

Q—That may be a question, Mr. Bryan, about some of those you have known?

A—The only thing is, you have a definition of fact that includes imagination.

Q—And you have a definition that excludes everything but imagination?

Gen. Stewart: I object to that as argumentative.

The Witness: You—

Mr. Darrow: The witness must not argue with me, either.

Q—Do you consider the story of Jonah and the whale a miracle?

A—I think it is.

Q—Do you believe Joshua made the sun stand still?

A—I believe what the Bible says. I suppose you mean that the earth stood still?

Q—I don't know. I am talking about the Bible now.

A—I accept the Bible absolutely.

Q—The Bible says Joshua commanded the sun to stand still for the purpose of lengthening the day, doesn't it, and you believe it?

A—I do.

Q—Do you believe at that time the sun went around the earth?

A—No, I believe that the earth goes around the sun.

Q—Do you believe that the men who wrote it thought that the day could be lengthened or that the sun could be stopped?

A—I don't know what they thought.

Q—You don't know?

A—I think they wrote the fact without expressing their own thoughts.

Q—Have you an opinion as to whether or not the men who wrote that thought—

Gen. Stewart: I want to object, your honor; it has gone beyond the pale of any issue that could possibly be injected into this lawsuit, except by imagination. I do not think the defendant has a right to conduct the examination any further and I ask your honor to exclude it.

The Court: I will hear Mr. Bryan.

The Witness: It seems to me it would be too exacting to confine the defense to the facts; if they are not allowed to get away from the facts, what have they to deal with?

The Court: Mr. Bryan is willing to be examined. Go ahead.

Mr. Darrow: Have you an opinion as to whether—whoever wrote the book, I believe Joshua, the Book of Joshua, thought the sun went around the earth or not?

A—I believe that he was inspired.

Q—Can you answer my question?

A—When you let me finish the statement.

Q—It is a simple question, but finish it.

A—You cannot measure the length of my answer by the length of your question. (*Laughter in the courtyard.*)

Q—No, except that the answer be longer. (*Laughter in the courtyard.*)

A—I believe that the Bible is inspired, with an inspired author. Whether one who wrote as he was directed to write understood the things he was writing about, I don't know.

Q—Whoever inspired it? Do you think whoever inspired it believed that the sun went around the earth?

A—I believe it was inspired by the Almighty, and He may have used language that could be understood at that time.

Q—Was—

A—Instead of using language that could not be understood until Darrow was born. (*Laughter and applause in the courtyard.*)

Q—So, it might have been subject to construction, might it not?

A—It might have been phrased in language that could be understood then.

Q—That means it is subject to construction?

A—That is your construction. I am answering your question.

Q—Is that correct?

A—That is my answer to it.

Q—Can you answer?

A—I might say, Isaiah spoke of God sitting upon the circle of the earth.

Q—I am not talking about Isaiah.

The Court: Let him illustrate, if he wants to.

Q—Is it your opinion that passage was subject to construction?

A—Well, I think anybody can put his own construction upon it, but I do not mean that necessarily that is a correct construction. I have answered the question.

Q—Don't you believe that in order to lengthen the day it would have been construed that the earth stood still?

A—I would not attempt to say what would have been necessary, but I know this, that I can take a glass of water that would fall to the ground without the strength of my hand and to the extent of the glass of water I can overcome the law of gravitation and lift it up. Whereas without my hand it would fall to the ground. If my puny hand can overcome the law of gravitation, the most universally understood, to that extent, I would not set power to the hand of Almighty God that made the universe.

Q—I read that years ago. Can you answer my question directly? If the day was lengthened by stopping either the earth or the sun, it must have been the earth?

A—Well, I should say so.

Q—Yes? But it was language that was understood at that time, and we now know that the sun stood still as it was with the earth.

A—Well, no—

Q—We know also the sun does not stand still?

A—Well, it is relatively so, as Mr. Einstein would say.

Q—I ask you if it does stand still?

A—You know as well as I know.

Q—Better. You have no doubt about it?

A—No. And the earth moves around.

Q—Yes?

A—But I think there is nothing improper if you will protect the Lord against your criticism.

Q—I suppose He needs it?

A—He was using language at that time the people understood.

Q—And that you call "interpretation?"

A—No, sir; I would not call it interpretation.

Q—I say, you would call it interpretation at this time, to say it meant something then?

A—You may use your own language to describe what I have to say, and I will use mine in answering.

Q—Now, Mr. Bryan, have you ever pondered what would have happened to the earth if it had stood still?

A—No.

Q—You have not?

A—No; the God I believe in could have taken care of that, Mr. Darrow.

Q—I see. Have you ever pondered what would naturally happen to the earth if it stood still suddenly?

A—No.

Q—Don't you know it would have been converted into a molten mass of matter?

A—You testify to that when you get on the stand. I will give you a chance.

Q—Don't you believe it?

A—I would want to hear expert testimony on that.

Q—You have never investigated that subject?

A—I don't think I have ever had the question asked.

Q—Or ever thought of it?

A—I have been too busy on things that I thought were of more importance than that.

Q—You believe the story of the flood to be a literal interpretation?

A—Yes, sir.

Q—When was that flood?

A—I would not attempt to fix the date. The date is fixed, as suggested this morning.

Q—About 4004 B. C.?

A—That has been the estimate of a man that is accepted today. I would not say it is accurate.

Q—That estimate is printed in the Bible?

A—Everybody knows, at least, I think most of the people know, that was the estimate given.

Q—But what do you think that the Bible, itself, says? Don't you know how it was arrived at?

A—I never made a calculation.

Q—A calculation from what?

A—I could not say.

Q—From the generations of man?

A—I would not want to say that.

Q—What do you think?

A—I do not think about things I don't think about.

Q—Do you think about things you do think about?

A—Well, sometimes. (*Laughter in the courtyard.*)

The Policeman: Let us have order.

Mr. Darrow: Mr. Bryan, you have read these dates over and over again?

A—Not very accurately, I turn back sometimes to see what the time was.

Q—You want to say now you have no idea how these dates were computed?

A—No, I don't say, but I have told you what my idea was. I said I don't know how accurate it was.

Q—You say from the generation of man—

Gen. Stewart: I am objecting to his cross-examining his own witness.

Mr. Darrow: He is a hostile witness.

The Court: I am going to let Mr. Bryan control—

The Witness: I want him to have all the latitude he wants. For I am going to have some latitude when he gets through.

Mr. Darrow: You can have latitude and longitude. (*Laughter.*)

The Court: Order.

Gen. Stewart: The witness is entitled to be examined as to the legal evidence of it. We were supposed to go into the origin of the case, and we have nearly lost the day, your honor.

Mr. McKenzie: I object to it.

Gen. Stewart: Your honor, he is perfectly able to take care of this, but we are attaining no evidence. This is not competent evidence.

The Witness: These gentlemen have not had much chance—they did not come here to try this case. They came here to try revealed reli-

gion. I am here to defend it, and they can ask me any question they please.

The Court: All right. (*Applause from the court yard.*)

Mr. Darrow: Great applause from the bleachers.

The Witness: From those whom you call "yokels."

Mr. Darrow: I have never called them yokels.

The Witness: That is the ignorance of Tennessee, the bigotry.

Mr. Darrow: You mean who are applauding you? (*Applause.*)

The Witness: Those are the people whom you insult.

Mr. Darrow: You insult every man of science and learning in the world because he does not believe in your fool religion.

The Court: I will not stand for that.

Mr. Darrow: For what he is doing?

The Court: I am talking to both of you.

Gen. Stewart: This has gone beyond the pale of a lawsuit, your honor. I have a public duty to perform, under my oath and I ask the court to stop it. Mr. Darrow is making an effort to insult the gentleman on the witness stand, and I ask that it be stopped, for it has gone beyond the pale of a lawsuit.

The Court: To stop it now would not be just to Mr. Bryan. He wants to ask the other gentleman questions along the same line.

Gen. Stewart: It will all be incompetent.

The Witness: The jury is not here.

The Court: I do not want to be strictly technical.

Mr. Darrow: Then your honor rules, and I accept.

Gen. Stewart: The jury is not here.

Mr. Darrow: How long ago was the flood, Mr. Bryan?

A—Let me see Usher's calculation about it?

Mr. Darrow: Surely. (*Hands a Bible to the witness.*)

A—I think this does not give it.

Q—It gives an account of Noah. Where is the one in evidence? I am quite certain it is there.

A—Oh, I would put the estimate where it is, because I have no reason to vary it. But I would have to look at it to give you the exact date.

Q—I would too. Do you remember what book the account is in?

A—Genesis.

Mr. Hays: Is that the one in evidence?

Mr. Neal: That will have it; that is the King James' version.

Mr. Darrow: The one in evidence has it.

The Witness: It is given here, as 2,348 years B. C.

Q—Well, 2,348 years B. C. You believe that all the living things that were not contained in the ark were destroyed.

A—I think the fish may have lived.

Q—Outside of the fish?

A—I cannot say.

Q—You cannot say?

A—No, except that just as it is, I have no proof to the contrary.

Q—I am asking you whether you believe?

A—I do.

Q—That all living things outside of the fish were destroyed?

A—What I say about the fish is merely a matter of humor.

Q—I understand.

A—Due to the fact a man wrote up here the other day to ask whether all the fish were destroyed, and the gentleman who received the letter told him the fish may have lived.

Q—I am referring to the fish, too.

A—I accept that, as the Bible gives it and I have never found any reason for denying, disputing, or rejecting it.

Q—Let us make it definite, 2,348 years?

A—I didn't say that. That is the time given there (*indicating a Bible*) but I don't pretend to say that is exact.

Q—You never figured it out, these generations, yourself?

A—No, sir; not myself.

Q—But the Bible you have offered in evidence, says 2,340, something, so that 4,200 years ago there was not a living thing on the earth, excepting the people on the ark and the animals in the ark and the fishes?

A—There have been living things before that.

Q—I mean at that time?

A—After that.

Q—Don't you know there are any number of civilizations that are traced back to more than 5,000 years?

A—I know we have people who trace things back according to the number of ciphers they have. But I am not satisfied they are accurate.

Q—You are not satisfied there is any civilization that can be traced back 5,000 years?

A—I would not want to say there is because I have no evidence of it that is satisfactory.

Q—Would you say there is not?

A—Well, so far as I know, but when the scientists differ, from 24,000,000 to 306,000,000 in their opinion, as to how long ago life came here, I want them nearer, to come nearer together before they demand of me to give up my belief in the Bible.

Q—Do you say that you do not believe that there were any civilizations on this earth that reach back beyond 5,000 years?

A—I am not satisfied by any evidence that I have seen.

Q—I didn't ask you what you are satisfied with. I asked you if you believe it?

The Witness: Will you let me answer it?

The Court: Go right on.

The Witness: I am satisfied by no evidence that I have found, that would justify me in accepting the opinions of these men against what I believe to be the inspired Word of God.

Q—And you believe every nation, every organization of men, every animal, in the world outside of the fishes—

A—The fish, I want you to understand, is merely a matter of humor.

Q—I believe the Bible says so. Take the fishes in?

A—Let us get together and look over this.

Q—Probably we would better; we will after

we get through. You believe that all the various human races on the earth have come into being in the last 4,000 years or 4,200 years, whatever it is?

A—No, it would be more than that.

Q—1,927?

A—Some time after creation, before the flood.

Q—1,927 added to it?

A—The flood is 2,300 and something, and creation, according to the estimate there, is further back than that.

Q—Then you don't understand me. If we don't get together on it, look at the book. This is the year of grace 1925, isn't it? Let us put down 1,925. Have you a pencil? (*One of the defense attorneys hands Mr. Darrow a pencil.*)

The Witness: Add to that 4,004?

Mr. Darrow: Yes.

A—That is the date (referring to the Bible) given here on the first page, according to Bishop Usher, which I say I only accept because I have no reason to doubt it. On that page he gives it.

Q—1,925 plus 4,004 is 5,929 years, if a fallible person is right in his addition. Now, then, what do you subtract from that?

A—That is the beginning.

Q—I was talking about the flood.

A—2,348 on that, we said.

Q—Less than that?

A—No; subtract that from 4,000; it would be about 1,700 years.

Q—That is the same thing?

A—No; subtracted it is 2,300 and something

before the beginning of the Christian era, about 1,700 years after the creation.

The Policeman: Let us have order.

Mr. Darrow: If I add 2,300 years, that is the beginning of the Christian era?

A—Yes, sir.

Q—If I add 1,925 to that I will get it, won't I?

A—Yes, sir.

Q—That makes 4,262 years. If it is not correct, we can correct it.

A—According to the Bible there was a civilization before that, destroyed by the flood.

Q—Let me make this definite. You believe that every civilization on the earth and every living thing, except possibly fishes, that came out of the ark were wiped out by the flood?

A—At that time.

Q—At that time. And then, whatever human beings, including all the tribes, that inhabited the world, and have inhabited the world, and who run their pedigree straight back, and all the animals, have come onto the earth since the flood?

A—Yes.

Q—Within 4,200 years. Do you know a scientific man on the face of the earth that believes any such thing?

A—I cannot say, but I know some scientific men who dispute entirely the antiquity of man as testified to by other scientific men.

Q—Oh, that does not answer the question. Do you know of a single scientific man on the face of the earth that believes any such thing as you stated, about the antiquity of man?

A—I don't think I have ever asked one the direct question.

Q—Quite important, isn't it?

A—Well, I don't know as it is.

Q—It might not be?

A—If I had nothing else to do except speculate on what our remote ancestors were and what our remote descendants have been—but I have been more interested in Christians living right now, to make it much more important than speculation on either the past or the future.

Q—You have never had any interest in the age of the various races and people and civilization and animals that exist upon the earth today? Is that right?

A—I have never felt a great deal of interest in the effort that has been made to dispute the Bible by the speculations of men, or the investigations of men.

Q—Are you the only human being on earth who knows what the Bible means?

Gen. Stewart: I object.

The Court: Sustained.

Mr. Darrow: You do know that there are thousands of people who profess to be Christians who believe the earth is much more ancient and that the human race is much more ancient?

A—I think there may be.

Q—And you never have investigated to find out how long man has been on the earth?

A—I have never found it necessary.

Q—For any reason, whatever it is?

A—To examine every speculation; but if I

had done it I never would have done anything else.

Q—I ask for a direct answer.

A—I do not expect to find out all those things, and I do not expect to find out about races.

Q—I didn't ask you that. Now, I ask you if you know if it was interesting enough, or important enough for you to try to find out about how old these ancient civilizations were?

A—No; I have not made a study of it.

Q—Don't you know that the ancient civilizations of China are 6,000 or 7,000 years old, at the very least?

A—No; they would not run back beyond the creation, according to the Bible, 6,000 years.

Q—You don't know how old they are, is that right?

A—I don't know how old they are, but probably you do. (*Laughter in the courtyard.*) I think you would give the preference to anybody who opposed the Bible, and I give the preference to the Bible.

Q—I see. Well, you are welcome to your opinion. Have you any idea how old the Egyptian civilization is?

A—No.

Q—Do you know of any record in the world, outside of the story of the Bible, which conforms to any statement that it is 4,200 years ago or thereabouts that all life was wiped off the face of the earth?

A—I think they have found records.

Q—Do you know of any?

A—Records reciting the flood, but I am not an authority on the subject.

Q—Now, Mr. Bryan, will you say if you know of any record, or have ever heard of any records, that describe that a flood existed 4,200 years ago, or about that time, which wiped all life off the earth?

A—The recollection of what I have read on that subject is not distinct enough to say whether the records attempted to fix a time, but I have seen in the discoveries of archeologists where they have found records that described the flood.

Q—Mr. Bryan, don't you know that there are many old religions that describe the flood?

A—No, I don't know.

Q—You know there are others besides the Jewish?

A—I don't know whether there are records of any other religion which refer to this flood.

Q—Don't you ever examine religion so far as to know that?

A—Outside of the Bible?

Q—Yes.

A—No; I have not examined to know that, generally.

Q—You have never examined any other religions?

A—Yes, sir.

Q—Have you ever read anything about the origins of religions?

A—Not a great deal.

Q—You have never examined any other religion?

A—Yes, sir.

Q—And you don't know whether any other religion ever gave a similar account of the destruction of the earth by the flood?

A—The Christian religion has satisfied me, and I have never felt it necessary to look up some competing religions.

Q—Do you consider that every religion on earth competes with the Christian religion?

A—I think everybody who does not believe in the Christian religion believes so—

Q—I am asking what you think.

A—I do not regard them as competitive because I do not think they have the same source as we have.

Q—You are wrong in saying "competitive."

A—I would not say competitive, but the religious unbelievers.

Q—Unbelievers of what?

A—In the Christian religion.

Q—What about the religion of Buddha?

A—I can tell you something about that, if you want to know.

Q—What about the religion of Confucius or Buddha?

A—Well, I can tell you something about that, if you would like to know.

Q—Did you ever investigate them?

A—Somewhat.

Q—Do you regard them as competitive?

A—No, I think they are very inferior. Would you like for me to tell you what I know about it.

Q—No.

A—Well, I shall insist on giving it to you.

Q—You won't talk about free silver, will you?

A—Not at all.

Gen. Stewart: I object to him—counsel—going any further with this examination and cross-examining his own witness. He is your own witness.

Mr. Darrow: Well, now, general, you understand we are making up a record, and I assume that every lawyer knows perfectly well that we have a right to cross-examine a hostile witness. Is there any doubt about that?

Gen. Stewart: Under the law in Tennessee if you put a witness on and he proves to be hostile to you, the law provides the method by which you may cross-examine him. You will have to make an affidavit that you are surprised at his statement, and you may do that.

Mr. Bryan: Is there any way by which a witness can make an affidavit that the attorney is also hostile?

Mr. Darrow: I am not hostile you you. I am hostile to your views, and I suppose that runs with me, too.

Mr. Bryan: But I think when the gentleman asked me about Confucius I ought to be allowed to answer his question.

Mr. Darrow: Oh, tell it, Mr. Bryan, I won't object to it.

Mr. Bryan: I had occasion to study Confucianism when I went to China. I got all I could find about what Confucius said, and then I bought a book that told us what Menches said about what Confucius said, and I found that there were several direct and strong contrasts between the teachings of Jesus and the teachings of Confucius. In the first place, one of his followers asked if there was any word that

would express all that was necessary to know in the relations of life, and he said, "Isn't *reciprocity* such a word?" I know of no better illustration of the difference between Christianity and Confucianism than the contrast that is brought out there. Reciprocity is a calculating selfishness. If a person does something for you, you do something for him and keep it even. That is the basis of the philosophy of Confucius. Christ's doctrine was not reciprocity. We were told to help people not in proportion as they had helped us—not in proporportion as they might have helped us, but in proportion to their needs, and there is all the difference in the world between a religion that teaches you just to keep even with other people and the religion that teaches you to spend yourself for other people and to help them as they need help.

Q—There is no doubt about that; I haven't asked you that.

A—That is one of the differences between the two.

Q—Do you know how old the Confucian religion is?

A—I can't give you the exact date of it.

Q—Did you ever investigate to find out?

A—Not to be able to speak definitely as to date, but I can tell you something I read, and will tell you.

Q—Wouldn't you just as soon answer my questions? And get along?

A—Yes, sir.

Q—Of course, if I take any advantage of misquoting you, I don't object to being stopped.

Do you know how old the religion of Zoroaster is?

A—No, sir.

Q—Do you know they are both more ancient than the Christian religion?

A—I am not willing to take the opinion of people who are trying to find excuses for rejecting the Christian religion when they attempt to give dates and hours and minutes, and they will have to get together and be more exact than they have yet been able, to compel me to accept just what they say as if it were absolutely true.

A—Are you familiar with James Clark's book on the ten great religions?

A—No.

Q—He was a Unitarian minister, wasn't he? You don't think he was trying to find fault, do you?

A—I am not speaking of the motives of men.

Q—You don't know how old they are, all these other religions?

A—I wouldn't attempt to speak correctly, but I think it is much more important to know the difference between them than to know the age.

Q—Not for the purpose of this inquiry, Mr. Bryan. Do you know about how many people there were on this earth at the beginning of the Christian era?

A—No, I don't think I ever saw a census on that subject.

Q—Do you know about how many people there were on this earth 3,000 years ago?

A—No.

Q—Did you ever try to find out?

A—When you display my ignorance, could you not give me the facts so I would not be ignorant any longer? Can you tell me how many people there were when Christ was born?

Q—You know, some of us might get the facts and still be ignorant.

A—Will you please give me that? You ought not to ask me a question when you don't know the answer to it.

Q—I can make an estimate.

A—What is your estimate?

Q—Wait until you get to me. Do you know anything about how many people there were in Egypt 3,500 years ago, or how many people there were in China 5,000 years ago?

A—No.

Q—Have you ever tried to find out?

A—No, sir. You are the first man I ever heard of who has been interested in it. (*Laughter.*)

Q—Mr. Bryan, am I the first man you ever heard of who has been interested in the age of human societies and primitive man?

A—You are the first man I ever heard speak of the number of people at those different periods.

Q—Where have you lived all your life?

A—Not near you. (*Laughter and applause.*)

Q—Nor near anybody of learning?

A—Oh, don't assume you know it all.

Q—Do you know there are thousands of books in our libraries on all those subjects I have been asking you about?

A—I couldn't say, but I will take your word for it.

Q—Did you ever read a book on primitive man? Like Tyler's "Primitive Culture," or Boaz, or any of the great authorities?

A—I don't think I ever read the ones you have mentioned.

Q—Have you read any?

A—Well I have read a little from time to time. But I didn't pursue it, because I didn't know I was to be called as a witness.

Q—You have never in all your life made any attempt to find out about the other peoples of the earth—how old their civilizations are—how long they had existed on the earth, have you?

A—No, sir, I have been so well satisfied with the Christian religion that I have spent no time trying to find arguments against it.

Q—Were you afraid you might find some?

A—No, sir; I am not afraid now that you will show me any.

Q—You remember that man who said—I am not quoting literally—that one could not be content though he rose from the dead—you suppose you could be content?

A—Well, will you give the rest of it, Mr. Darrow?

Q—No.

A—Why not?

Q—I am not interested.

A—Why scrap the Bible—"they have Moses and the prophets"?

Q—Who has?

A—That is the rest of the quotation you didn't finish.

Q—And so you think if they have Moses and the prophets they don't need to find out anything else?

A—That was the answer that was made there.

Q—And you follow the same rule?

A—I have all the information I want to live by and to die by.

Q—And that's all you are interested in?

A—I am not looking for any more on religion.

Q—You don't care how old the earth is, how old man is and how long the animals have been here?

A—I am not so much interested in that.

Q—You have never made any investigation to find out?

A—No, sir, I have never.

Q—All right.

A—Now, will you let me finish the question.

Q—What question was that? If there is anything more you want to say about Confucius I don't object.

A—Oh, yes, I have got two more things.

Mr. Darrow: If your honor please I don't object, but his speeches are not germane to my question.

Mr. Hicks (Sue K.): Your honor, he put him on.

The Court: You went into it and I will let him explain.

Mr. Darrow: I asked him certain specific questions about Confucius.

Mr. Hicks (Sue K.): The questions he is asking are not germane, either.

Mr. Darrow: I think they are.

The Witness: I mentioned the word *reci-*

procity to show the difference between Christ's teachings in that respect and the teachings of Confucius. I call your attention to another difference. One of the followers of Confucius asked him "what do you think of the doctrine that you should reward evil with good?" and the answer of Confucius was "reward evil with justice and reward good with good. Love your enemies. Overcome evil with good," and there is a difference between the two teachings—a difference incalculable in its effect and in—The third difference—people who scoff at religion and try to make it appear that Jesus brought nothing into the world, talk about the Golden Rule of Confucius. Confucius said "do not unto others what you would not have others do unto you." It was purely negative. Jesus taught "do unto others as you would have others do unto you." There is all the difference in the world between a negative harmlessness and a positive helpfulness and the Christian religion is a religion of helpfulness, of service, embodied in the language of Jesus when he said "let him who would be chiefest among you be the servant of all." Those are the three differences between the teachings of Jesus and the teachings of Confucius, and they are very strong differences on very important questions. Now, Mr. Darrow, you asked me if I knew anything about Buddha.

Q—You want to make a speech on Buddha, too?

A—No, sir; I want to answer your question on Buddha.

Q—I asked you if you knew anything about him.

A—I do.

Q—Well, that's answered, then.

A—Buddha—

Q—Well, wait a minute, you answered the questions—

The Court: I will let him tell what he knows.

Mr. Darrow: All he knows?

The Court: Well, I don't know about that.

The Witness: I won't insist in telling all I know. I will tell more than Mr. Darrow wants told.

Mr. Darrow: Well, all right, tell it, I don't care.

The Witness: Buddhism is an agnostic religion.

Q—To what?—what do you mean by agnostic?

A—I don't know.

Q—You don't know what you mean?

A—That is, what "agnosticism" is—I don't know. When I was in Rangoon, Burma, one of the Buddhists told me that they were going to send a delegation to an agnostic congress that was to be held soon at Rome and I read in an official document—

Q—Do you remember his name?

A—No, sir, I don't.

Q—What did he look like; how tall was he?

A—I think he was about as tall as you, but not so crooked.

Q—Do you know about how old a man he

was—do you know whether he was old enough to know what he was talking about?

A—He seemed to be old enough to know what he was talking about. (*Laughter.*)

Mr. Darrow: If your honor please, instead of answering plain specific questions we are permitting the witness to regale the crowd with what some black man said to him when he was traveling in Rang—who, India?

The Witness: He was dark-colored, but not black.

The Court: I will let him go ahead and answer.

The Witness: I wanted to say that I then read a paper that he gave me, an official paper of the Buddhist church, and it advocated the sending of delegates to that agnostic congress at Rome, arguing that it was an agnostic religion, and I will give you other evidence of it. I went to call on a Buddhist teacher.

Mr. Darrow: I object to Mr. Bryan making a speech every time I ask him a question.

The Court: Let him finish this answer and then you can go ahead.

The Witness: I went to call on a Buddhist priest and found him at his noon meal, and there was an Englishman there who was also a Buddhist. He went over as ship's carpenter and became a Buddhist and had been for about six years and while I waited for the Buddhist priest I talked to the Englishman and I asked him what was the most important thing in Buddhism and he said the most important thing was you didn't have to believe to be a Buddhist.

Q—You know the name of the Englishman?

A—No, sir; I don't know his name.

Q—What did he look like?

A—He was what I would call an average looking man.

Q—How could you tell he was an Englishman?

A—He told me so.

Q—Do you know whether he was truthful or not?

A—No, sir, but I took his word for it.

The Court: Well, get along, Mr. Darrow, with your examination.

Mr. Darrow: Mr. Bryan ought to get along.

Q—You have heard of the Tower of Babel haven't you?

A—Yes, sir.

Q—That tower was built under the ambition that they could build a tower up to heaven, wasn't it? And God saw what they were at and to prevent their getting into heaven he confused their tongues?

A—Something like that—I wouldn't say to prevent their getting into heaven. I don't think it is necessary to believe that God was afraid they would get to heaven—

Q—I mean that way?

A—I think it was a rebuke to them.

Q—A rebuke to them trying to go that way?

A—To build that tower for that purpose.

Q—Take that short cut?

A—That is your language, not mine.

Q—Now when was that?

A—Give us the Bible.

Q—Yes, we will have strict authority on it—scientific authority?

A—That was about 100 years before the flood, Mr. Darrow, according to this chronology. It is 2247—the date on one page is 2218 and on the other 2247 and it is described in here—

Q—That is the year 2247?

A—2218 B. C. is at the top of one page and 2247 at the other and there is nothing in here to indicate the change.

Q—Well, make it 2230 then?

A—All right—about.

Q—Then you add 1500 to that—

A—No, 1925.

Q—Add 1925 to that, that would be 4,155 years ago. Up to 4,155 years ago every human being on earth spoke the same language?

A—Yes, sir, I think that is the inference that could be drawn from that.

Q—All the different languages of the earth date from the Tower of Babel, is that right? Do you know how many languages are spoken on the face of the earth?

A—No, I know the Bible has been translated into 500 and no other book has been translated into anything like that many.

Q—That is interesting, if true. Do you know all the languages there are?

A—No, sir, I can't tell you. There may be many dialects besides that and some languages, but those are all the principal languages.

Q—There are a great many that are not principal languages?

A—Yes, sir.

Q—You haven't any idea how many there are?

A—No, sir.

Q—How many people have spoken all those various languages?

A—I don't know.

Q—And you say that all those languages of all the sons of men have come on the earth not over 4,150 years ago?

A—I have seen no evidence that would lead me to put it any further back than that.

Q—That is your belief anyway—that that was due to the confusion of tongues at the tower of Babel. Did you ever study philology at all?

A—No, I have never made a study of it—not in the sense in which you speak of it.

Q—You have used language all your life?

A—Well, hardly all my life—ever since I was about a year old.

Q—And good language, too; and you have never taken any pains to find anything about the origin of languages?

A—I have never studied it as a science.

Q—Have you ever by any chance read Max Mueller?

A—No.

Q—The great German philologist?

A—No.

Q—Or any book on that subject?

A—I don't remember to have read a book on that subject, especially, but I have read extracts, of course, and articles on philology.

Q—Mr. Bryan, could you tell me how old the earth is?

A—No, sir, I couldn't.

Q—Could you come anywhere near it?

A—I wouldn't attempt to. I could possibly

come as near as the scientists do, but I had rather be more accurate before I give a guess.

Q—You don't think much of scientists, do you?

A—Yes, sir, I do, sir.

Q—Is there any scientists in the world you think much of?

A—I do.

Q—Who?

A—Well, I think the bulk of the scientists—

Q—I don't want that kind of an answer, Mr. Bryan. Who are they?

A—I will give you George M. Price, for instance.

Q—Who is he?

A—Professor of geology in a college.

Q—Where?

A—He was out near Lincoln, Neb.

Q—How close to Lincoln, Neb.?

A—About three or four miles. He is now in a college out in California.

Q—Where is the college?

A—At Lodi.

Q—That is a small college?

A—I didn't know you had to judge a man by the size of the college—I thought you judged him by the size of the man.

Q—I thought the size of the college made some difference?

A—It might raise a presumption in the minds of some, but I think I would rather find out what he believed.

Q—You would rather find out whether his belief corresponds with your views or prejudices

or whatever they are before you said how good he was?

A—Well, you know the word "prejudice" is—

Q—Well, belief, then.

A—I don't think I am any more prejudiced for the Bible than you are against it.

Q—Well, I don't know.

A—Well, I don't know either. It is my guess.

Q—You mentioned Price because he is the only human being in the world so far as you know that signs his name as geologist that believes like you do?

A—No, there is a man named Wright, who taught at Oberlin.

Q—I will get to Mr. Wright in a moment. Who publishes his book?

A—I can't tell you. I can get you the book.

Q—Don't you know? Don't you know it is Revell & Co., Chicago?

A—I couldn't say.

Q—He publishes yours, doesn't he?

A—Yes, sir.

Gen. Stewart: Will you let me make an exception. I don't think it is pertinent about who publishes a book.

Mr. Darrow: He has quoted a man that every scientist in this country knows is a mountebank and a pretender and not a geologist at all.

The Court: You can ask him about the man, but don't ask him about who publishes the book.

Q—Do you know anything about the college he is in?

A—No, I can't tell you.

Q—Do you know how old his book is?

A—No, sir; it is a recent book.

Q—Do you know anything about his training?

A—No, I can't say on that.

Q—Do you know of any geologist on the face of the earth who ever recognized him?

A—I couldn't say.

Q—Do you think he is all right? How old does he say the earth is?

A—I am not sure that I would insist on some particular geologist that you picked out recognizing him before I would consider him worthy if he agreed with your views.

Q—You would consider him worthy if he agreed with your views?

A—Well, I think his argument is very good.

Q—How old does Mr. Price say the earth is?

A—I haven't examined the book in order to answer questions on it.

Q—Then you don't know anything about how old he says it is?

A—He speaks of the layers that are supposed to measure age and points out that they are not uniform and not always the same and that attempts to measure age by those layers where they are not in the order in which they are usually found makes it difficult to fix the exact age.

Q—Does he say anything whatever about the age of the earth?

A—I wouldn't be able to testify.

Q—You didn't get anything about the age from him?

A—Well, I know he disputes what you say

and has very good evidence to dispute it—what some others say about the age.

Q—Where did you get your information about the age of the earth?

A—I am not attempting to give you information about the age of the earth.

Q—Then you say there was Mr. Wright, of Oberlin?

A—That was rather I think on the age of man than upon the age of the earth.

Q—There are two Mr. Wrights, of Oberlin?

A—I couldn't say.

Q—Both of them geologists. Do you know how long Mr. Wright says man has been on the earth?

A—Well, he gives the estimates of different people.

Q—Does he give any opinion of his own?

A—I think he does.

Q—What is it?

A—I am not sure.

Q—What is it?

A—It was based upon the last glacial age—that man has appeared since the last glacial age.

Q—Did he say there was no man on earth before the last glacial age?

A—I think he disputes the finding of any proof—where the proof is authentic—but I had rather read him than quote him. I don't like to run the risk of quoting from memory.

Q—You couldn't say then how long Mr. Wright places it?

A—I don't attempt to tell you.

Q—When was the last glacial age?

A—I wouldn't attempt to tell you that.

Q—Have you any idea?

A—I wouldn't want to fix it without looking at some of the figures.

Q—That was since the tower of Babel, wasn't it?

A—Well, I wouldn't want to fix it. I think it was before the time given in here, and that was only given as the possible appearance of man and not the actual.

Q—Have you any idea how far back the last glacial age was?

A—No, sir.

Q—Do you know whether it was more than 6,000 years ago?

A—I think it was more than 6,000 years.

Q—Have you any idea how old the earth is?

A—No.

Q—The book you have introduced in evidence tells you, doesn't it?

A—I don't think it does, Mr. Darrow.

Q—Let's see whether it does; is this the one?

A—That is the one, I think.

Q—It says B. C. 4004.

A—That is Bishop Usher's calculation.

Q—That is printed in the Bible you introduced?

A—Yes, sir.

Q—And numerous other Bibles?

A—Yes, sir.

Q—Printed in the Bible in general use in Tennessee?

A—I couldn't say.

Q—And Scofield's Bible?

A—I couldn't say about that.

Q—You have seen it somewhere else?

A—I think that is the chronology usually used.

Q—Does the Bible you have introduced for the jury's consideration say that?

A—Well, you will have to ask those who introduced that.

Q—You haven't practiced law for a long time, so I will ask you if that is the King James version that was introduced? That is your marking, and I assume it is?

A—I think that is the same one.

Mr. Darrow: There is no doubt about it, is there, gentlemen?

Mr. Stewart: That is the same one.

Q—Would you say that the earth was only 4,000 years old?

A—Oh, no; I think it is much older than that.

Q—How much?

A—I couldn't say.

Q—Do you say whether the Bible itself says it is older than that?

A—I don't think the Bible says itself whether it is older or not.

Q—Do you think the earth was made in six days?

A—Not six days of twenty-four hours.

Q—Doesn't it say so?

A—No, sir.

Gen. Stewart: I want to interpose another objection. What is the purpose of this examination?

Mr. Bryan: The purpose is to cast ridicule on everybody who believes in the Bible, and I am perfectly willing that the world shall know

that these gentlemen have no other purpose than ridiculing every Christian who believes in the Bible.

Mr. Darrow: We have the purpose of preventing bigots and ignoramuses from controlling the education of the United States and you know it, and that is all.

Mr. Bryan: I am glad to bring out that statement. I want the world to know that this evidence is not for the view Mr. Darrow and his associates have filed affidavits here stating, the purpose of which, I understand, is to show that the Bible story is not true.

Mr. Malone: Mr. Bryan seems anxious to get some evidence in the record that would tend to show that those affidavits are not true.

Mr. Bryan: I am not trying to get anything into the record. I am simply trying to protect the word of God against the greatest atheist or agnostic in the United States. (*Prolonged applause.*) I want the papers to know. I am not afraid to get on the stand in front of him and let him do his worst. I want the world to know. (*Prolonged applause.*)

Mr. Darrow: I wish I could get a picture of these clackers.

Gen. Stewart: I am not afraid of Mr. Bryan being perfectly able to take care of himself, but this examination cannot be a legal examination and it cannot be worth a thing in the world, and, your honor, I respectfully except to it, and call on your honor, in the name of all that is legal, to stop this examination and stop it here.

Mr. Hays: I rather sympathize with the gen-

eral, but Mr. Bryan is produced as a witness because he is a student of the Bible and he presumably understands what the Bible means. He is one of the foremost students in the United States, and we hope to show Mr. Bryan, who is a student of the Bible, what the Bible really means in connection with evolution. Mr. Bryan has already stated that the world is not merely 6,000 years old and that is very helpful to us, and where your evidence is coming from, this Bible, which goes to the jury, is that the world started in 4004 B. C.

Mr. Bryan: You think the Bible says that?

Mr. Hays: The one you have taken in evidence says that.

Mr. Bryan: I don't concede that it does.

Mr. Hays: You know that that chronology is made up by adding together all of the ages of the people in the Bible, counting their ages; and now then, let us show the next stage from a Bible student, that these things are not to be taken literally, but that each man is entitled to his own interpretation.

Gen. Stewart: The court makes the interpretation.

Mr. Hays: But the court is entitled to information on what is the interpretation of an expert Bible student.

Gen. Stewart: This is resulting in a harangue and nothing else.

Mr. Darrow: I didn't do any of the haranguing; Mr. Bryan has been doing that.

Gen. Stewart: You know absolutely you have done it.

Mr. Darrow: Oh, all right.

Mr. Malone: Mr. Bryan doesn't need any support.

Gen. Stewart: Certainly he doesn't need any support, but I am doing what I conceive my duty to be, and I don't need any advice, if you please, sir. (*Applause.*)

The Court: That would be irrelevant testimony if it was going to the jury. Of course, it is excluded from the jury on the point it is not competent testimony, on the same ground as the affidaviting.

Mr. Hicks: Your honor, let me say a word right there. It is in the discretion of the court how long you will allow them to question witnesses for the purpose of taking testimony to the supreme court. Now, we as taxpayers of this county, feel that this has gone beyond reason.

The Court: Well, now, that taxpayers' complaint doesn't appeal to me so much, when it is only fifteen or twenty minutes time.

Mr. Darrow: I would have been through in half an hour if Mr. Bryan had answered my questions.

Gen. Stewart: They want to put in affidavits as to what other witnesses would swear, why not let them put in affidavits as to what Mr. Bryan would swear?

Mr. Bryan: God forbid.

Mr. Malone: I will just make this suggestion.

Gen. Stewart: It is not worth anything to them, if your honor please, even for the record in the supreme court.

Mr. Hays: Is not it worth anything to us if Mr. Bryan will acept the story of creation in detail, and if Mr. Bryan, as a Bible student, states you cannot take the Bible necessarily as literally true?

Mr. Stewart: The Bible speaks for itself.

Mr. Hays: You mean to say the Bible itself tells whether these are parables? Does it?

Gen. Stewart: We have left all annals of procedure behind. This is a harangue between Col. Darrow and his witness. He makes so many statements that he is forced to defend himself.

Mr. Darrow: I do not do that.

Gen. Stewart: I except to that as not pertinent to this lawsuit.

The Court: Of course, it is not pertinent, or it would be before the jury.

Gen. Stewart: It is not worth anything before a jury.

The Court: Are you about through, Mr. Darrow?

Mr. Darrow: I want to ask a few more questions about the creation.

The Court: I know. We are going to adjourn when Mr. Bryan comes off the stand for the day. Be very brief, Mr. Darrow. Of course, I believe I will make myself clearer. Of course, it is incompetent testimony before the jury. The only reason I am allowing this to go in at all is that they may have it in the appellate courts, as showing what the affidavit would be.

Mr. Bryan: The reason I am answering is not for the benefit of the superior court. It is

to keep these gentlemen from saying I was afraid to meet them and let them question me, and I want the Christian world to know that any atheist, agnostic, or unbeliever, can question me any time as to my belief in God, and I will answer him.

Mr. Darrow: I want to take an exception to this conduct of this witness. He may be very popular down here in the hills. I do not need to have his explanation for his answer.

The Court: Yes.

Mr. Bryan: If I had not, I would not have answered the question.

Mr. Hays: May I be heard? I do not want your honor to think we are asking questions of Mr. Bryan with the expectation that the higher court will not say that those questions are proper testimony. The reason I state this is this: your law speaks for the Bible. Your law does not say the literal interpretation of the Bible. If Mr. Bryan, who is a student of the Bible, will state that everything in the Bible need not be interpreted literally, that each man must judge for himself; if he will state that, of course, then your honor would charge the jury. We are not bound by a literal interpretation of the Bible. If I have made my argument clear enough for the attorney-general to understand, I will retire.

Gen. Stewart: I will admit you have frequently been difficult of comprehension, and I think you are as much to blame as I am.

Mr. Hays: I know I am.

Gen. Stewart: I think this is not legal evidence for the record in the appellate courts.

King James' versions of the Bible, as your honor says—

The Court: I cannot say that.

Gen. Stewart: Your honor has held the court takes judicial knowledge of King James' version of the Bible.

The Court: No, sir; I did not do that.

Gen. Stewart: Your honor charged the grand jury and read from that.

The Court: I happened to have the Bible in my hand, it happened to be a King James' edition, but I will charge the jury, gentlemen, the Bible generally used in Tennessee, as the book ordinarily understood in Tennessee, as the Bible, I do not think it is proper for us to say to the jury what Bible.

Gen. Stewart: Of course, that is all we could ask of your honor. This investigation or interrogation, of Mr. Bryan as a witness, Mr. Bryan is called to testify, was of the counsel for the prosecution in this case, and has been asked something, perhaps less than a thousand questions, of course, not personal to this case, and it has resulted in an argument, an argument about every other question cannot be avoided. I submit your honor, it is not worth anything in the record at all, if it is not legal testimony. Mr. Bryan is willing to testify and is able to defend himself. I except it, if the court please, and ask your honor to stop it.

Mr. Hays: May I ask a question? If your contention is correct that this law does not necessarily mean that the Bible is to be taken literally, word for word, is not this competent evidence?

Gen. Stewart: Why could you not prove it by your scientists.

Mr. Darrow: We are calling one of the foremost Bible students. You vouch for him.

Mr. Malone: We are offering the best evidence.

Gen. McKenzie: Do you think this evidence is competent before a jury?

Mr. Darrow: I think so.

The Court: It is not competent evidence for the jury.

Gen. McKenzie: Nor is it competent in the appellate courts, and these gentlemen would no more file the testimony of Col. Bryan as a part of the record in this case than they would file a rattlesnake and handle it themselves.

Messrs. Darrow, Hays and Malone (in unison): We will file it. We will file it. File every word of it.

Mr. Bryan: Your honor, they have not asked a question legally, and the only reason they have asked any question is for the purpose, as the question about Jonah was asked, for a chance to give this agnostic an opportunity to criticize a believer in the word of God; and I answered the question in order to shut his mouth so that he cannot go out and tell his atheistic friends that I would not answer his question. That is the only reason, no more reason in the world.

Mr. Malone: Your honor, on this very subject, I would like to say that I would have asked Mr. Bryan—and I consider myself as good a Christian as he is—every question that

Mr. Darrow has asked him for the purpose of bringing out whether or not there is to be taken in this court only a literal interpretation of the Bible, or whether, obviously, as these questions indicate, if a general and liberal construction cannot be put upon the parts of the Bible which have been covered by Mr. Darrow's questions. I hope for the last time no further attempt will be made by counsel on the other side of the case, or Mr. Bryan, to say the defense is concerned at all with Mr. Darrow's particular religious views or lack of religious views. We are here as lawyers with the same right to our views. I have the same right to mine as a Christian as Mr. Bryan has to his, and we do not intend to have this case charged by Mr. Darrow's agnosticism or Mr. Bryan's brand of Christianity. (*A great applause.*)

The Court: I will pass on each question as asked, if it is objected to.

Mr. Darrow: Mr. Bryan, do you believe that the first woman was Eve?

A—Yes.

Q—Do you believe she was literally made out of Adam's rib?

A—I do.

Q—Did you ever discover where Cain got his wife?

A—No, sir; I leave the agnostics to hunt for her.

Q—You have never found out?

A—I have never tried to find out.

Q—You have never tried to find out?

A—No.

Q—The Bible says he got one, doesn't it? Were there other people on the earth at that time?

A—I cannot say.

Q—You cannot say. Did that ever enter your consideration?

A—Never bothered me.

Q—There were no others recorded, but Cain got a wife.

A—That is what the Bible says.

Q—Where she came from you do not know. All right. Does the statement, "The morning and the evening were the first day," and "The morning and the evening were the second day," mean anything to you?

A—I do not think it necessarily means a twenty-four hour day.

Q—You do not?

A—No.

Q—What do you consider it to be?

A—I have not attempted to explain it. If you will take the second chapter—let me have the book. (*Examines Bible.*) The fourth verse of the second chapter says: "These are the generations of the heavens and of the earth, when they were created in the day that the Lord God made the earth and the heavens," The word "day" there in the very next chapter is used to describe a period. I do not see that there is any necessity for construing the words, "the evening and the morning," as meaning necessarily a twenty-four hour day, "in the day when the Lord made the heaven and the earth."

Q—Then, when the Bible said, for instance, "and God called the firmament heaven. And the evening and the morning were the second day," that does not necessarily mean twenty-four hours?

A—I do not think it necessarily does.

Q—Do you think it does or does not?

A—I know a great many think so.

Q—What do you think?

A—I do not think it does.

Q—You think those were not literal days?

A—I do not think they were twenty-four-hour days.

Q—What do you think about it?

A—That is my opinion—I do not know that my opinion is better on that subject than those who think it does.

Q—You do not think that?

A—No. But I think it would be just as easy for the kind of God we believe in to make the earth in six days as in six years or in 6,000,000 years or in 600,000,000 years. I do not think it important whether we believe one or the other.

Q—Do you think those were literal days?

A—My impression is they were periods, but I would not attempt to argue as against anybody who wanted to believe in literal days.

Q—Have you any idea of the length of the periods?

A—No; I don't.

Q—Do you think the sun was made on the fourth day?

A—Yes.

Q—And they had evening and morning without the sun?

A—I am simply saying it is a period.

Q—They had evening and morning for four periods without the sun, do you think?

A—I believe in creation as there told, and if I am not able to explain it I will accept it. Then you can explain it to suit yourself.

Q—Mr. Bryan, what I want to know is, do you believe the sun was made on the fourth day?

A—I believe just as it says there.

Q—Do you believe the sun was made on the fourth day?

A—Read it.

Q—I am very sorry; you have read it so many times you would know, but I will read it again:

> And God, said, let there be lights in the firmament of the heaven, to divide the day from the night; and let them be for signs, and for seasons, and for days, and years. And let them be for lights in the firmament of the heaven, to give light upon the earth; and it was so. And God made two great lights; the greater light to rule the day, and the lesser light to rule the night; He made the stars also. And God set them in the firmament of the heaven, to give light upon the earth, and to rule over the day and over the night, and to divide the light from the darkness; and God saw that it was good. And the evening and the morning were the fourth day.

Do you believe, whether it was a literal day or a period, the sun and the moon were not made until the fourth day?

A—I believe they were made in the order in which they were given there, and I think in the dispute with Gladstone and Huxley on that point—

Q—Cannot you answer my question?

A—I prefer to agree with Gladstone.

Q—I do not care about Gladstone.

A—Then prefer to agree with whoever you please.

Q—Cannot you answer my question?

A—I have answered it. I believe that it was made on the fourth day, in the fourth day.

Q—And they had the evening and the morning before that time for three days or three periods. All right, that settles it. Now, if you call those periods, they may have been a very long time.

A—They might have been.

Q—The creation might have been going on for a very long time?

A—It might have continued for millions of years.

Q—Yes. All right. Do you believe the story of the temptation of Eve by the serpent?

A—I do.

Q—Do you believe that after Eve ate the apple, or gave it to Adam, whichever way it was, that God cursed Eve, and at that time decreed that all womankind thenceforth and forever should suffer the pains of childbirth in the reproduction of the earth?

A—I believe what it says, and I believe the fact as fully——

Q—That is what it says, doesn't it?

A—Yes.

Q—And for that reason, every woman born of woman, who has to carry on the race, has childbirth pains because Eve tempted Adam in the Garden of Eden?

A—I will believe just what the Bible says. I ask to put that in the language of the Bible, for I prefer that to your language. Read the Bible and I will answer.

Q—All right, I will do that: "And I will put enmity between thee and the woman"—that is referring to the serpent?

A—The serpent.

Q—(*Reading*):

and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel. Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee.

That is right, is it?

A—I accept it as it is.

Q—And you believe that came about because Eve tempted Adam to eat the fruit?

A—Just as it says.

Q—And you believe that is the reason that God made the serpent to go on his belly after he tempted Eve?

A—I believe the Bible as it is, and I do not permit you to put your language in the place of the language of the Almighty. You read that Bible and ask me questions, and I will answer them. I will not answer your questions

Q—I will read it to you from the Bible: in your language.

And the Lord God said unto the serpent, because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go and dust shalt thou eat all the days of thy life.

Do you think that is why the serpent is compelled to crawl upon his belly?

A—I believe that.

Q—Have you any idea how the snake went before that time?

A—No, sir.

Q—Do you know whether he walked on his tail or not?

A—No, sir. I have no way to know. (*Laughter in audience.*)

Q—Now, you refer to the cloud that was put in the heaven after the flood as the rainbow. Do you believe in that?

A—Read it.

Q—All right, Mr. Bryan, I will read it for you.

Mr. Bryan: Your honor, I think I can shorten this testimony. The only purpose Mr. Darrow has is to slur at the Bible, but I will answer his question. I will answer it all at once, and I have no objection in the world, I want the world to know that this man, who does not believe in a God, is trying to use a court in Tennessee—

Mr. Darrow: I object to that.

Mr. Bryan (continuing): —to slur at it, and while it will require time, I am willing to take it.

Mr. Darrow: I object to your statement. I am examining you on your fool ideas that no intelligent Christian on earth believes.

(*The court is adjourned. On the following day Bryan's testimony is struck from the records.*)

E. HALDEMAN-JULIUS
Editor
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Reflections on the Observations and Discoveries of the Late Henri Fabre, Naturalist

By Clarence S. Darrow

[Stenographic report by Ethel M. Maclaskey of an address before the Rationalist Society of Chicago. Revised by the author.]

Henri Fabre has been very little known. He is coming to be known better every day. He was not a reformer or even a Freethinker, or a business man, but he was just a simple student who spent all of his lifetime finding out about bees, ants, caterpillars and other brethren of his. He found out more about them than any other living man. I do not know what good it did him to find this out, or what good it is for the world to learn about them. For me, it is interesting, that is all. And if what I may say can induce some of you to study him I think you will find a great deal of pleasure in it, which is the most you get out of anything. If a man can become so interested in an ant or any other bug that he forgets himself, it is almost as good as not living at all.

Henri Fabre was born of poor parents—about the poorest one could have and live. He

was one of a large family. His parents were ignorant, they could neither read nor write, nor could his grandparents before him. Henri Fabre said: "It is hard to find in any of my ancestors an excuse for me." He had scarcely any schooling to mention. As a boy, he worked hard. Early in life, he became interested in the little things about him. He earned his way by doing manual work. At one time he secured a professorship in a school. Outside of his work he studied bugs. People thought he was crazy, and they tried to have him dismissed from the school. Then he went back to manual work again. At another time he discovered a new kind of a dye that could be made from animals and was nearly on the verge of making a fortune out of his discovery when somebody found a mineral dye which could be made much cheaper, so he lost this.

For twenty or thirty years he worked on his bugs before anyone ever heard of him. He was probably sixty or more years old before the world knew anything about him. All of his life he longed for a little patch of ground that would be inhabited by wasps and bees and beetles and grasshoppers, and no men or women excepting his own family. He had a large family, eight or ten children, and his father lived with him until he was nearly a hundred years old—and after he was sixty-five years, Henri Fabre managed to secure a little plot of ground, a few acres, sterile and fruitless. It was not good enough to raise anything and had been given back to nature. This land was filled with all of the creeping things that Henri Fabre liked, and he spent the last

thirty years of his life on it — a few miles from a little hamlet in Southern France—and never went away from it. After he was about eighty years old, the world gave him the first formal recognition at a reception in the little town where he lived. Maeterlinck and some other famous people of the world came to pay their respects to him, and have told the world who and what Henri Fabre really was.

While Henri Fabre was making his discoveries, he was writing books that were not published until later. These were on the fly, the bee, the grasshopper, the caterpillar, the spider and all sorts of other bugs—ten volumes in all, that have but recently been published. Fabre was not a great reader of books, unless they were along the line of his work. But, I have nowhere found more delightful literature than these sketches of Fabre's. They are plain, simple stories. He tells of the most profound things in the easiest possible way, so that even a child can understand them. For studying style one could not do better than to get Fabre's books and read them.

Henri Fabre was a poor man all of his life. At one time, while he was living on his little abandoned plantation, he was so near starvation that he applied to John Stuart Mill for a loan. John Stuart Mill had a little place near Fabre's, and, contrary to custom, when Fabre asked for a loan of two or three hundred dollars, John Stuart Mill sent him seven or eight hundred dollars. He was one man who recognized Fabre's greatness. Later in his life, Henri Fabre received a small pension that

allowed him to finish his work, that is so far as anybody finishes any work in this world, and lived until he was over ninety years of age. He died after the world war began.

Any discussion of his work is naturally fragmentary. It is much better read from his books. Man has the habit of thinking that he is the only creature in the universe. I presume the fly thinks the same thing, and with just as good reason. So far as we know, flies cannot write books, so they cannot have them printed. But no doubt that is what they are talking about when they are buzzing around the ceiling. They doubtless think that "man was made to make pies for flies." There is no reason why he was not. There is just as much reason to think so as to think that fishes were made for man to eat.

The insects are just as marvelous as man. Their actions sometimes seem more reasonable than man's. They are more reasonable because they do not reason; they just do things automatically, yet they work perfectly; while man, with his reason, gets all "balled up." I did not get that expression out of Fabre. It is one of my own. Animals do nearly all the things man does and generally more perfectly. Many of the unnecessary things man does, animals do not do, as far as I can tell, which is not very far. Man does not have the intelligence to understand the animal languages, so we cannot be quite sure of these things.

Fabre tells his story and raises questions about life. He was honest, and did not try to answer questions that could not be answered.

If he did not know he would say he did not and was not ashamed to confess ignorance of any question. It is only ignorant people who are ashamed to confess it. They do not like to, because everybody knows it without. Fabre took up the question of reason and instinct, and while he did not answer it, he threw much light on it. But, as to the cause of it all, he gives no answer.

Fabre was born a Catholic, and, in a sort of way, remained one all his life, that is, he considered the question was not one for him to bother with, so he let it alone. He was not orthodox and could not be. He did not fully accept the doctrine of evolution as it is generally taught. He was not so much a philosopher as he was an examiner in the special field where he worked. Naturally he asked a great many questions as to the meaning, the purpose, and the end of life; but most of these he left unanswered.

One of his most interesting books is "The Mason Bee." I would commend it to you to read. It will tell you what a bee can do and what it cannot do. The ordinary bee, building its home, erects something more wonderful than man can build. A man puts up a home, while a bee will put up a city, suited to the bee, where everyone works in perfect order. No one knows how they do it, but they just do, that is all, and they make no mistakes as they do it, every step is taken perfectly and automatically. Man cannot work in that way. The Mason Bee is a little animal that does not live like our honey bee. It generally lives alone

or with two or three other bees. It builds a mud house on a flat stone or on the side of a wall. As you study its life and pay some attention to it, all kinds of questions come to your mind. Here is a bee going about in a dusty road, picking up little pieces of flint and mixing it with mud to make mortar out of it; then flying to the eaves of some house or rock and there building for itself, not exactly a home, but what serves the purpose—a place to raise more bees. The bee builds a little hut, probably four or five inches high and an inch or two in diameter. At the certain time of the year when it is seen picking up these pieces of mud or dry dust, it flies with them to the place selected for the home. In some ways insects have a very rational view of life, for it is usually the female who does most of the work and raises the family; the male performs his work in some other way, ordinarily. The female bee goes back and forth until the mud hut is built. When it is all finished but a little place in the top, she goes to the flowers to make honey which is placed in the bottom of the hut. Then she lays her eggs. The little space left in the top of the hut she seals up with the mud left in her mandibles. When this is done, she goes away, leaves it and never sees it again—never sees the young bee that will come out of it, and knows nothing of it. But she invariably builds the hut, lays in her store of honey, lays her eggs, seals up the hut, and goes away about her business.

Bees have wonderful instinct. If they are taken a long distance from their hut and re-

leased in the air, they will fly directly up and go back in a straight line. It makes no difference whether you carry them in a certain way, in the dark or in a sack, or make them drunk or dizzy by whirling them around in the air, when they are released, any distance within reason, they go up in the air, and straight back to their home. Man cannot do it; and few animals can. The animals have this instinct stronger than man, some animals stronger than others. The ant perhaps has no such instinct, or very little. The dog, the cat, or the mud turtle, has it to a very high degree. But the bee has it unerringly.

The Mason Bee seals up her hut. The egg hatches into a grub. The grub eats the honey and grows into a bee and gets strength enough to break through the hut and fly away. Nobody tells the young bee what to do or how to fly. It never received instruction from anyone. The bee does not learn it, nor get it from its environment. The young bee just grows in the mud hut by feeding on the honey, then breaks the shell open and goes away. And, when the time comes in her life, she comes back once more and builds another mud hut for her own young bees, and flies away, and so on, with the endless procession of bees, to the end of time.

Now, it seems almost as though a bee knew what it was doing. Yet Fabre has experimented with that, too. He has taken the hut of a bee, moved it six feet away, when the bee was off gathering honey. It comes back to the exact spot where the hut was before. It

may go close to its own hut and never know it or see it. It may come back a dozen times and fly away, utterly unable to find its own hut. It may fly over it and around it without knowing it, and is utterly unable to locate the hut.

Fabre has tried other experiments. He has taken two huts, one of them half completed, where the bee was still building, the other one where the hut has been placed in readiness for the egg. He has changed places with them. The bee comes back to the exact spot. The bee whose hut was but half finished, finds the one that is completed and ready for the egg. She goes on and adds another story to it, beginning on the completed hut where she left off on her own. The bee who has completed her hut and is ready to lay her egg, goes into the unfinished hut, and lays the egg, although it is impossible for anything ever to come from it. But just because the time has come in the life of that bee to do this particular thing, she lays her egg in the unfinished hut and the egg is lost.

Apparently the bee uses no reason, or faculties of any sort. What is it then? The bee is alive. It has a brain. The brain is very small—not enough to do it any harm, and not large enough to think with—and it does not seem to use it. But it gets along very well. It seems to work exactly like a machine. At a certain time in the life of the Mason Bee the urge of nature comes to it and it builds a nest. It seems impossible that it ever thinks about why this is built. When this is com-

pleted, the urge comes to put honey in it. There can be no more building or repairing after the honey is put in. If a hole is made in the side of the hut, the bee pays no attention to it, but plugs up the top perfectly. After the urge has come to lay the egg, she must have a piece of mud in her mandibles to close up the opening. Then she does some more work, plasters up the side to make it stronger, after which she flies away and is never heard of again. It must be purely instinctive.

How do they do it? Mark Twain in his book "What is Man?" discusses this question. He says: "Instinct is petrified reason"; that the things men and animals do instinctively have been once thought out. But that can hardly be the case. It is impossible to conceive that the bee ever reasoned it out. It just does it. It seems impossible to conceive that the first bee did not build her nest, put in her honey, and lay her eggs just the same as the last bee that ever comes into the world will do. Nobody can see that they improve or that they change or can think or imagine how they came to be bees. They do not understand it, but they do it perfectly. It is impossible to think it is petrified reason. It seems to me almost equally impossible to think that they ever came up as the survival of the fittest—that an innumerable number of bees tried to do it and failed, and only those that got along survived until they performed their task in this way. Those are things we can only speculate on. We cannot help speculating when we see the wonderful facts before us. To my mind, it has been so since the first bee;

but this is not an explanation. The question is still here. It merely means it could not have come about in some of the ways that some thinkers and naturalists believe it came about.

Other insects are as curious and wonderful as the bee. Fabre tells us the story of the red ant. It fills volumes covering interesting details of the ordinary ant and its hill, in the garden. It seems to be an intelligent being. Man is patterned very much after the red ant; he is a little bigger, but perhaps there is no sense in his being so large, for he takes up more room than the ants do. Some of the ants do not work; there is a sort of an I. W. W. amongst the ants, or capitalists — whichever way you want to put it—anyhow, they do not work. They are larger than the rest and use the rest as slaves. These ants start on an excursion to the home of the black ants. They do not know where they are going. They march in long columns. They go exploring this way and that way. Those ants in the front part of the column are used as an exploration party. They go out and come back. They find a hill of black ants. A terrible battle ensues. The red ants always win; the black ants are destroyed. The red ants take away the young black ants, hold them in their mandibles, which serve for hands, to their home. No matter how far away or how rough has been their path, they always go back over the same path over which they came, although it may be ten times as far around as it would be if they went in a straight line. The ants evidently have no sense of direction. If they

cross a street on their way, they recross it on their return; if they went in a dangerous place where they lost a good many of their ants, they will go back that way and lose some more. But, whatever befalls them, they always hold the captive grub in their hands and not even death can remove it. The captive black ant is made a slave by the red ant and does its work, very much like human beings. I suppose we are weak imitations of the red ant. We do it more indirectly than they. The red ant captures certain animals that give it honey and work for it. It also captures little microscopic animals from whom it gets milk. "They toil not, neither do they spin"—in fact, they act very much like human beings. And it seems as if they were.

How they find their way back is not easy to understand. They do not do it instinctively like bees, for they do not go straight back. Some people think the ant follows the old road by sense of smell. Fabre has tried this out by placing substances with a similar odor in the road, but it makes no difference with them, they find the path again as they go over it. Perhaps it is by the sense of sight, if it is strong enough. Or they do it by some instinct more subtle and sensitive than man possesses. They act methodically, always in the same way, with a purpose. That is substantially what man does.

Fabre has a book on spiders. They are rather human, too. They are much handsomer than humans, but most people do not understand their beauty. Their motives are very

much like the human in many ways, but more simple and direct. Still they accomplish the same thing.

There are many varieties of spider, each having different habits and modes of life. One large spider he calls the banded Epeira. Perhaps Fabre calls it that on account of the color of the band that runs around its body. This spider is a large one that spins its web to catch flies or any other sort of insect that comes its way. The web is spun with the same skill that a hunter spreads a snare to catch birds, or department stores spin advertisements to catch the human birds. Watching the spider as it performs this work on the branch of a tree, you would notice that it spins the web out of itself. It lowers its body down to within two or three inches of the ground, spinning as it goes, going back by the web already spun, spinning another web, making two, and a loop below, finally reaching its original place. As the lower part of the web is waved around by the wind or air, or some motion of the spider, it launches itself upon another branch which makes a bridge across for the spider to walk on. Then backwards and forwards it spins until it gets enough strands and the web is finished.

The web is woven with almost perfect geometrical precision, infinite almost in its number of strands. All rotate from a common center. The geometrician can figure it out, but no human being could build it; it is too fine a work for man. A man can no more make a spider's web than an elephant could a

watch. If the web is examined under a microscope, it seems to be twisted like a wire and made up of an infinite number of small strands which are hollow, and although they are microscopic and hardly can be seen with the naked eye, they contain a fluid inside which is sticky like glue. It is by means of this substance the spider descends upon the limb of another tree where it continues weaving its web. First it spins a strand which is hollow and sticky, like glue, so as to protect the web, and at the same time takes care of any prey that comes in the path of the web, which is more important still.

The axle and many of the strands that run from the center are not sticky. In the center of this web, the spider places a trap, which is a flat substance about as large as a hand, but is not sticky. The spider weaves this from the same place in its body as the strands. On this area, the spider sits, waiting. While some of the strands are sticky, others are not, and the spider can go backward and forth over them for the reason, as Fabre has found out, of some fatty substance in the feet or legs of the spider which prevents its sticking, unless it stopped too long in one place and the fat disappeared.

When a fly reaches the web, by some involuntary movement, the spider ascends the web, which terrorizes the fly and paralyzes it so that the spider grabs it. When a larger animal, like a Praying Mantis or a locust, gets near, the spider touches it and paralyzes it. Then it begins spinning a web around it until

it completely ties up the insect. It seems to be wound in a shroud and cannot move. If the spider did not do this the larger insect would kill the spider. In this way the spider brings the insect, entirely helpless, sewed up in a shroud, as it were, into his trap. He has a wonderful feast. The spider is a great anatomist. He understands anatomy better than a doctor. He knows just where and how deep to bite and in such a way that a microscope can scarcely discern an injury. The spider does not kill its prey, but captures it.

The spider has another trick which the doctors have imitated in another way. You have heard of trepanning the human skull so as to stun the person while an operation is being performed. The spider trepans its victim and does not kill it; he does not want to; probably he does not know why. The spider has a way of compressing the head of its victim that always works. He does not eat the Praying Mantis and locust; they are not good enough for him. But he feasts himself on them in their helpless condition, by sucking the blood and eating the tender parts that the blood flows through. Perhaps it will take a day to finish the meal. To all appearances the insect still remains, but all that is left is an empty shell, with everything that is edible and best, with all of the sirloin steak gone. What remains would not even be fit for a working spider.

There are more questions to answer regarding the grasshopper. The spider sometimes lies for days on the trapdoor, catching and de-

vouring its prey. Its net is still there and it is sleeping or watching for victims. It does not do it by sense of sight. Sometimes, in the case of the grasshopper, the spider weaves another net, a smaller one, which has a strand of the web connected to the leg of the spider so that when it goes back to lie in wait for its prey, it will get a telephonic signal through this strand from the other web and know when to come out and get its victim.

Who taught the spider to telephone? It hardly learned by reason. If one strand of the spider's perfectly automatic web is broken, it does not know how to repair it. It builds an entirely new one. Some spiders spin but one web. You might as well say that the earth has learned by reason just how near the sun it shall go, or how fast it shall turn on its axis or how near it should go to the moon. It just is that way, and no man can get any further—at least I cannot, so I assume nobody can.

The insect world furnishes wonderful examples of surgeons that have beaten our doctors, except in charges. There is a little wasp called the Sphex, which digs a tunnel in the ground. The main business of animals, like the human animal, is to get more animals. Some human beings do not attend to their business, but all activities get back to the one thing—which is that life shall be preserved on the earth. Some animals and people have to live to feed others, those others have to live to feed still others, and so on. But the main business of life is to create more life. What it is done for no one knows. I suppose it is because

the sun shines part of the time, because the rain falls—it is the law of the universe. You can trace all the activities of the insects, whether little ones or big ones, or human ones, back to the question of getting more of them, for fear they will run out.

The Sphex digs a hole in the ground, a sort of a tunnel. It is for the purpose of raising more wasps, for it is its job to provide that kind of wasps. Then it finds a caterpillar. The caterpillar is a great deal bigger than the Sphex and much stronger, but the caterpillar has certain nerve centers, seven I believe. Some insects do not have as many and some have more. The Sphex paralyzes the caterpillar by stinging it in these nerve centers. How it found the location of these nerve centers, I do not know. Maybe God told the Sphex but then who told God? But, with unerring aim, the Sphex stings the caterpillar in seven different places and the caterpillar does not die. The Sphex does not want it to die for if it died it would not be of use. The Sphex seems to know its purpose although it probably does not know it at all. But this makes the caterpillar helpless.

Then the Sphex drags the caterpillar, or cricket—it does not need to be a caterpillar, but I take it for an illustration—into its tunnel. The Sphex then lays her eggs on the back of the caterpillar; not in front where its mandibles might destroy the egg. The grub then hatches and begins to eat its way out from the back to the front of the caterpillar. By the time the grub has reached the front, the caterpillar is

no longer alive—there is just the shell of the caterpillar and the grub of a Sphex, so that there may be more Sphex. Of course, the caterpillars are taken care of in another way, but I will not go into it this time, for there is so much else. However, the matter is always taken care of, because it takes more caterpillars to feed more Sphex and so on around. For the grub eats its way out, grows stronger, flies away, gets ready to tackle a caterpillar itself, digs a hole, lays another egg, and so on, world without end.

Fabre does not know why; I do not know and nobody does. We know it is true, that is all. We know the life of insects is as mysterious as ours. We know their actions are as unfathomable as man's, and that their work is as wonderful and as interesting, if one cares to study them.

The insects have parasites, too, like human beings—parasites who will not work—lawyers and preachers. Some of them seem to know better, or they may not know, but just do not do it. Let us go back to the Mason Bee for a moment. The Mason Bee carefully lays her eggs so as to make another Mason Bee. Along comes a little grub, microscopic almost, with a tiny drill. Man could not make one so small and well adapted to the work. This parasite bores in and lays her eggs on the grub of the Mason Bee, and as it grows stronger, the grub from the egg of the parasite eats the grub of the Mason Bee, or, in the case of the Sphex, the caterpillar. So that when the resurrection comes, it is not the resurrection of the Mason

Bee, but the birth of the parasite that fastened itself on the grub of the Mason Bee. So after all the Mason Bee did not build its nest for its own but for a parasite that took the result of it for herself.

Other kinds of parasites may crawl into the nest while it is being filled, and still others go in while the egg is deposited, feeding on them, and a parasite instead of a bee is born. In the same way the parasite of the Sphex works. There is a tiny wingless wasp that digs into the ground and finds the place. How I do not know. But it must have some sort of a divining rod that tells it that of all the rest of the world, here is the place. In about the same manner as in the case of the Mason Bee's parasite, this tiny wasp lays its egg on the top of the Sphex's egg which in turn eats its way out through the caterpillar. The insect world is filled with parasites as is the human world. Fabre says that he has searched all the notebooks he has ever made, and that he has never found any species that made a parasite of the same species, excepting man. I suppose that is the reason we are the highest animal in the universe; I do not know what other reason there is.

Fabre in describing all these wonderful things says, "Matter is only kept alive by passing from one form to another. It is true with animals and with man." Fabre says that "at the banquet of life, each is in turn a guest and a dish." We all sit at the table of life and eat to our fill; then we are a dish for the next who comes after, whether it be man or any

other insect. Everything lives on what has lived.

Fabre gives us no religious platform for Nature. Nature with him is not good; Nature is fang and tooth; Nature is merciless and cruel. He says that "in the fierce riot of empty bellies, the parasite takes what it can with its tools." That is what life is—a fierce riot of empty bellies, each seeking to be filled, and using its own tools to fill itself with. He says that life is made up of two things—getting food and perpetuating itself, so that you can get more food and perpetuate more life. That is all we can find anywhere in Nature. In referring to the ant, Fabre compares it with man. He says: "We build towns, but she builds cities; we have servants, but she has slaves; we have domestic anlmals, but she has animals that furnish her with sugar; we have cattle, but the ant has milch cows. In fact, ants have everything we have excepting clothes, and they do not need clothes."

Fabre describes one little bee called the Osmia which seems to have solved a problem that man has failed so far to solve—for this insect knows how to control sex. It lays at will an egg that produces a male and another a female. It is the only species known that can do it. In the place where it lays its eggs, there are certain narrow chambers for the male eggs and wide ones for the female, for she needs more support also with the insects. This insect determines sex when the egg is laid and it comes out invariably right. Man

cannot do it although he has studied and philosophized about it.

Just a few words on the love affairs of the insects, that I will put as delicately as I can, for they are great lovers. They have to be to keep the insect world going. The purpose of all the activities of insects is more insects, and it is impossible to see where they do anything except for this result. I presume if someone could look at man the same thing would be said; but luckily he cannot see himself, or he would die laughing—which would be a happy death. But the insects really love. One of the spider family hauls her eggs fastened to her legs and wherever she goes, she trails the eggs with her; she is never separated from them until they are finally hatched and the infant spiders fall on her back. Then she carries them around with her until they are able to spin webs of their own, which they know how to do when the time comes, afterwards run off to be gone forever. Another species develops its eggs in an egg pouch which keeps growing larger and larger with more eggs until the time for hatching comes, when the spider seems to be just one big pouch of eggs. She dies then, for her part in the grand business of keeping life on the earth is finished.

All the wasps seem to know where to sting. There is a certain wasp that lives on the honey bee. As the bee is sipping the honey from the flower, this wasp slips up to it and kills it with a single sting. Some insects sting on the neck and others in several places over the body to paralyze their victim. Then the

wasp takes the bee in its great hairy arms and presses it close. The tongue of the bee protrudes and it is dead. The wasp has squeezed its throat in order to extract all of the honey from the throat, thorax, and the honey sacs of the bee. Then the wasp takes the dead bee to its nest and on it lays its eggs. The reason the honey is squeezed out of the bee by the wasp is that the honey is poisonous to the grub; if it touches it, death ensues. It is a matter of unconsciousness to the wasp when she takes the bee and squeezes out the honey, but it is done simply that her grub can live, nothing else. It is not cruelty, it is just nature. In one way there is no cruelty in nature; it is just life—life and death. It is hard and terrible, but it is the law.

The bee gives his life in the conjugal embrace. He does his part once in preserving the species, and then dies. It is not likely that he stops to wonder if it is worth while or that he knows that he will die. But that is his part in the great job of keeping life on the earth, and he does it and dies. It is finished, and that is all there is to it.

The female scorpion is an intense lover. After she gets through with the love scene she eats the male—loves him to death. Many species of the spider do the same thing—that is, the female eats the male. The female seems to be the most ardent in the insect world. In still another species, during the nuptial embrace, the female eats the stomach of the male; another eats out her partner's brains. Fabre has experimented with a number of

"Praying Mantis," by putting them in a cage. At a certain season, when their duty to preserve the species comes upon them, they enter the conjugal embrace, and the female begins by eating out the brains of the male, and after five or six hours, she eats the entire male, for she still loves him. Then if another male is fed to her for a husband, she eats him, and sometimes as high as seven of them, one after the other, have been fed to a loving spouse. Thus they do the service nature has called upon them to perform. It is a weird story but it is true.

Nature, after all, is strongest. It is life. Man wants life without paying the penalty for it. But, Nature has provided the way life shall come and the penalty that must be paid.

If any one can find any meaning in all of it, they do better than I can. To say that back of all is a Supreme Power which fashioned it for some purpose, is idle, without evidence, or logic, or reason to support it. And, if it is true, it explains nothing, because man immediately asks the question: What is back of that? The honest way is to take the facts that we have, use what reason we have, and when we cannot answer questions, say that we do not know.

Why it is, and how, man cannot tell. There is probably no "why" except that a certain mixture produces life, and everything follows it, and life preserves itself. In any sense that man understands it, the world is not good. Nature is not good. The poet may say that God is in heaven and all is well with the world,

but the poet is "seeing things," that is all; he is mistaken. There is no god in his heaven, so far as man can see. The truth is, Nature is a slaughter house. There are some pleasant sensations, some pleasures, which many would deprive us of, and, scattered along the path is trouble and misery, and in the end, tragedy. It is all a nightmare, if you think. The animals have the advantage of us—they do not think, they simply live.

AN ANSWER TO MR. DARROW

No more interesting and entertaining article has appeared for many a month than the article of Clarence Darrow under the title of "Insects and Men; Instinct and Reason."

After giving a brief and interesting biography of a most remarkable man—Henri Fabre—Mr. Darrow proceeds in his own easy and lucid way to outline to us some of his observations in the insect world.

He tells us about the Mason bee, how she builds her mud hut, stores it with honey, deposits her egg, seals up the aperture and flies away and never returns; how the egg so deposited germinates, consumes the honey so deposited, develops into a bee and emerges from the hut and flies away without instruction or guidance from any source; how the young bee in turn repeats the same process as the mother bee, and so on from the first bee to the end of time.

He shows that this is all done mechanically, since, if there be substituted for the half-completed hut of one bee the completed hut of another bee, the bee with the half-completed hut will proceed to add a half hut to the completed one, while the bee that had a half-completed hut substituted in the place of her completed hut will proceed to deposit her honey and eggs in this half-completed hut, which will not suffice to develop the grub.

From these facts Mr. Darrow, I think, reasons correctly that the Mason bee has no reason, that what it does it does from a certain urge or instinct; but when he comes to consider what instinct is I think he gets befogged.

He takes exception to Mark Twain's apt and pithy definition of instinct as being petrified reason, which I am inclined to think, is exactly what it is.

Mr. Darrow says: "It seems impossible to conceive that the first bee did not build her nest, put in her honey, and lay her eggs just as the last bee that ever comes into the world will do. Nobody can see that they improve or that they can change or can think or imagine how they came to be bees. It is impossible to think it is petrified reason. It seems to me almost equally impossible to think that they ever came up as the survival of the fittest—that an innumerable number of bees tried to do it and failed and only those that got along survived until they performed their task in this way."

A man by the name of William Paley wrote a book on "Natural Theology," in which the whole burden of his argument is in the above strain, and to my mind Mr. Darrow's is the strongest, not to say the only, argument in favor of a design in creation and the existence of a designer or Deity.

According to Fabre, the Mason bee must be closely related to the honey bee; the difference being that it builds its own hive instead of selecting one provided ready-made in the hollow of a tree or the cleft of a rock, or one pro-

vided for it by man. Perhaps at one time they were both alike and environment caused the different habits.

Now, let us consider the honey bees briefly: In Southern California, where the climate will allow, they hive among the limbs of a tree without any exterior covering of any kind. In more rigorous climates they seek some cavity or other that affords them protection, and it is possible that if Fabre had been able to extend his researches over a wider area he would have found the Mason bee where environment would permit, availing itself of some ready-made receptacle for the deposit of its honey and eggs.

Nature is infinite in its completeness and opportunities. In infinite time, space and numbers everything that in the nature of things is possible, is liable to happen.

At first glance it might seem impossible that anyone should ever have conceived the idea of utilizing the electric current as a means of communication, as Professor Morse did, or that someone would think of utilizing the explosive force of gasoline by means of a gas engine.

It appears highly improbable that a poor French peasant boy would have a craving to devote his life to the observation of the habits of the insect world as Fabre did; yet among the infinite number of men that have appeared on the world, nature in her prodigality has made a proper provision.

This petrified instinct advanced by Twain

and rejected by Mr. Darrow is to a certain extent observable in man.

No doubt Mr. Darrow has a certain way of getting into his trousers on arising from bed, and could not well get in any other way. He invariably puts on the same shoe first every morning.

The time was, perhaps, when honey bees all hived in the open as they do yet in Southern California and other subtropical countries, but some bee driven by the struggle for existence into a more rigorous climate, strayed into a hollow tree and found a congenial place for her habitation, and this habit has become fixed, or "petrified" with them; and no doubt if taken into Southern California where a hive or natural cavity could not be found, they would perish for want of the habited assembling-place.

Man himself furnishes a good illustration. In the South Sea Islands and torrid Africa and Australia, where nature has been kind and necessity did not require any of man's devices to overcome environment, man remains in his primitive savage state; and he has remained in such a state so long that his faculties have become dwarfed and "petrified," and it would be impossible to ever develop him to the state attained by the European.

So the civilized man develops, but the savage remains; and so all along down the scale of life. The fish remains, but the reptile developed; the reptile remains, but the mammal developed. The fish became petrified, but certain fish have the ability to fly in a rudi-

mentary kind of way, and, perhaps the bird developed. Certain fish became a fixed type, but in the plastic youth of the fish's existence a frog, which in infancy is a fish, but in later life develops into a reptile, by some chance of environment was evolved and the reptile was ushered into the world.

I believe if Mr. Darrow will read a little more extensively the great works on evolution, his doubts will be dispelled and his difficulties removed.

HUGH H. MARTIN.

"INSTINCT AND REASON"

Mr. Darrow Finds No Explanation of Them in Either Evolution or Theology.

Permit me to state my views a little clearer on the origin of "Instinct and Reason" and also to make some suggestions in reply to Mr. Martin's interesting article.

I cannot see why one who does not believe that "instinct is petrified reason" and confesses himself unable to explain its origin, should be put down with Paley, who argues from the evidence of Order in Nature that there must be a God. Paley seems to me to take the position in theology which is taken by Mr. Martin in evolution, who argues that because there is no other way to explain instinct, excepting through evolution, therefore evolution must be its cause, and still stranger, that the insects have lost their reason and gone down until they have only one instinct left. Really, it seems to me that whether one is a scientist or a theologian, when he comes up to a fact which he cannot explain, it is just as well to say that he does not know.

Another thing, neither theology nor evolution explains anything. I could ask Mr. Paley "Who made God?" and he would tell me I have asked him one question too many. I can ask you "What is the cause of evolution?" and I fancy you would say the same thing. I simply stop one step before Mr. Martin or Mr.

Paley—that is, I stop with the known and confess to ignorance beyond it. Neither one can explain instinct.

I am quite sure Mr. Martin is a more thorough student of Darwin than I have been, but in spite of this he seems to have fallen into what I regard as a very common error—that evolution accounts for something, whereas, in fact it is little more than showing a common pattern through all life. Man and the bee were made on a common pattern. Evolution cannot go much further, or at least it has not yet been able to. Probably a number of the efforts of Mr. Darwin to explain things are not now considered sound by scientists, but still this has in no wise affected the fundamentals of his work or disturbed his position as being the foremost of the scientists of the world.

To be a little more specific, let us see whether Mark Twain was right, or was I right. No one has a higher regard for Mark Twain than I have. As a literary man and original thinker, he was without a peer, but his discussion of instinct and the doings of animals, especially as found in his very important work, "What is Man?" does not show marks of investigation or familiarity with the latest of what is known of animal life. His story of a horse who managed to get from the pasture to the meadow by thinking out the way to pull a pin that fastened the gate, is simply nonsense. The horse never thought out anything in any such sense. What the horse did was to fumble around and accidentally knock out a pin. The second time he did it a little easier, until after

a while it became a habit. Late observations of animals show this is the mode of action.

Mark Twain's explanation of instinct I believe is not upheld by any scientist. If instinct is petrified reason, it must follow that reason came before instinct; that at one time the bee was possessed of a remarkable intellect and wonderful reasoning faculties in many respects far beyond man but in some way he lost these and his reasoning power became petrified and he acted instinctively like a machine. This view does not correspond with Mr. Martin's idea of evolution, nor the popular idea of evolution that life is gradually going upward, which proposition to my mind is also absurd. Is there any question but that instinct came first? The nature of instinct is fairly well understood. It is little more than mechanical action. Under the law of mechanics, a lever, for instance, acts on an object that is to be lifted. If material is properly adjusted, the second object may act on a third and the third on a fourth, and there may be even an infinite number of actions and reactions started by the operation of the lever.

Instinct is about this. It is reaction from a perfectly mechanical origin. Reason is something more. It implies memory and the power of relating facts to each other and the ability to select the facts. It cannot exist in unconscious things, or conscious things acting unconsciously. That the lowest order of animal may have a modicum of reason is no doubt true; but that it is sufficient in any animal to affect his life seriously, is most likely not

true. It certainly is not true of the lower species.

Take, for instance, the bee. In order to provide fresh meat for an unborn bee, it stings a caterpillar in six or seven places, paralyzing it so that it cannot move, but still keeping it alive until the egg becomes a grub and is able to eat the caterpillar and later grows to be a bee. Can anyone imagine that there was a time when the bee by experiment and reason found out the six or seven motor nerve centers of the caterpillar; learned to do what no surgeon on earth could do, and then lost this reason, but retained the power to do it because the reason was petrified to instinct? It seems to me impossible to imagine such a thing, and even if you cannot imagine its opposite, it is an assumption with nothing to sustain it. To hold that the animal who uses his instinct ever acted in any other way; that all the animals, and especially the lowest of them, act entirely through instinct, seems to me, with what light we have, to be beyond dispute. I have no doubt that most of man's actions are instinctive. Pretty much all that he does, especially those things important to life, are purely instinctive. Reason came as one of the latest developments in life, and of course it is vastly more prominent in man than in any other of the animal creation. Animals no doubt acted automatically and unconsciously for ages before consciousness was born, and most likely consciousness grew out of some great stress which required it for the preservation of life. Consciousness is a late thing in

the history of the world, and reason is much later still. I can see no support in science for any idea that reason came first, or any possibility that instinct is "petrified reason." I cannot even see it in theology, with which I and even less familiar than science.

I fancy that the illustrations given by Mr. Martin in his criticism came nearer proving my case than his. Doubtless a hive of bees may live in a warm climate without resorting to a hollow in a tree and doubtless they may instinctively find the hollow of a tree where the climate makes protection necessary, but it does not follow that either one precedes the other, or that reason is in any way connected with the one or the other, or that one is ahead of the other in the time or degree of evolution. No doubt "trial and error" and "trial and success" may have much to do with the actions of animals through long periods of time, but this has no necessary connection with reason.

Mr. Martin's illustration of habits of dressing, as a proof of instinct in man, is also quite aside from the question. No doubt one puts on or takes off his clothes in a certain way without much or any thought of how he is doing it; but this does not come from instinct. It is a matter of habit, and whatever one does, if he does it often enough, he comes to do almost automatically.

The illustration of the South Sea Islands and African and Australian savages seems to me in no wise to support Mr. Martin's contention. Is the South Sea Islander or the Bushman of Australia less intelligent than he

once was? Did his reason petrify? I doubt if Mr. Martin would say so on reflection. The savage is as wise as he ever was. Possibly a little wiser, although this I doubt. By some action of nature, perhaps a mutation, he reached a certain point and stopped, as I am convinced the so-called civilized man has done, but he did not go back—he only stopped.

Neither do I read evolution in animal life as Mr. Martin reads it. That the civilized man developed and the savage remained, I very much doubt. That the fish petrified and the reptile developed, I do not believe; nor that the reptile remained and the mammal developed. As I read it, life, starting very low, reaches a certain point—assume to the fish, which as a matter of fact is quite well along. Then, through some mutation or unfolding, the reptile came from that stock. It became a reptile, but the fish remained. Through some further mutation, some higher form of mammal was born, but the reptile remained, and so on, up or down to man, whichever way you see fit to look at it.

If I may make a general criticism, which I do with all modesty, stating again that I am conscious that I am not a thorough scientist—that I have only grabbed what I could here and there without having the time to make original investigations, or even become familiar with all the best literature on the subject; but with these admissions, if I were to pass a general criticism, it would be this: that almost all men who have a theory, whether they are theologians or evolutionists, seem to feel the

necessity of accounting for everything. They seem unwilling to take a fact and ask after its origin and confess that they do not know. This was one of the great points with Fabre. He laid that fact clearly before you, then asked himself the fundamental question, What is its origin? and answered that he did not know. Theologians seem bound to explain everything by assuming a God. It is not necessary to ask if everything naturally follows from that. They simply say it must follow. The tendency of the evolutionist is to accept evolution unqualifiedly, which is still a theory, and then to say that it must explain everything in life.

In the first place, there are all kinds of questions as to what evolution means, and even though as a general theory it may be true, still this theory is constantly modified and explained by facts; and if ever fully accepted, it only widens the realm of the unknown and gives no ultimate explanation of anything.

Herbert Spencer in his "First Principles" has shown how impossible it is to find the ultimate explanation. The theologian, the evolutionist and the one who views life as I do, must sooner or later say, "I do not know."

CLARENCE DARROW.

INSTINCT, REASON, DESIGN

The second half of Clarence Darrow's article on the observations and discoveries of Henri Fabre in the insect world, while equally excellent and interesting as the first, is somewhat a repetition of it, in that the same questions are asked and queries raised.

After telling us how the wasp, called the sphex, paralyzes a caterpillar by stinging it in the nerve centers, rendering it helpless, and then inserts its (the sphex's) egg and thereby perpetuates its species, he asks the question, 'Who told the sphex where the caterpillar's nerve centers were?" answers "Maybe God did," and then asks "Who told God?"

No doubt the contemplation of phenomena like the above is the cause of the acceptance of the god and design idea by a great many men of learning and strong understandings, and it would appear that it leaves even Mr. Darrow in a quandary.

The great question whether the operations of the laws of nature as displayed by the actions of the insect world indicates design or a mere sequence of cause and effect, is brought before us.

To my mind the design idea is a kind of a mental mirage. It is very delusive. It is one of those cases where things are not what they seem, and we must proceed warily or we shall be misled.

Looking at it from the viewpoint given us by Mr. Darrow, we are liable to get the impression of a design.

Yet the design argument gets you nowhere. No matter what conditions or phenomena nature might exhibit, and no matter how different things might be from what they are, the design idea would present itself.

The fact that the mosquito has a long, penetrating bill, by which it secures its sustenance might be taken as an evidence of design, and if man were given a protective covering of some kind by nature, rendering him immune to the mosquitoes' annoyances, that would perhaps be taken by the careless thinker as an evidence also of design; but the fact that protection has not been supplied us must be evidence of a lack of design.

If there be design, there perforce must be a designer; and if this designer was capable of implanting the kind of instinct he did in insects and animals, it would follow that he could have arranged things differently to avoid so much pain and suffering.

Fabre says all nature is merciless and cruel and a great slaughter-house—that at the banquet of life each is in turn a guest and a dish.

Nature has its mysteries and wonders, and perhaps the facts gleaned by Fabre from the insect world are as perplexing as any; the possession of instinct by animals is difficult of explanation, and the idea suggested by Twain's meaty term, "petrified reason," is probably the true solution.

According to Fabre, the mason bee has but

a tiny brain; yet be it ever so small, that brain must have a function. If the bee is a mere machine, it need have no brain, since machines have none.

All living things have had their genesis, and in the plastic youth of the mason bee species, and before its faculties became petrified, the mason bee's brain, small as it may have been, was perhaps capable of devising a mud hut, but in doing so it exhausted its faculties, so that its present brain has become a kind of a reservoir of past achievements, or something in the nature of an impulse transmitted from its ancestry. Have we not a kind of analogy to this in man? Is it not an accepted fact that certain mental traits are transmitted from sire to son? Man has his instincts, and they are perhaps a sort of petrified reason.

Most individuals shudder at the sight of a snake; they do this involuntarily and instinctively; and why? Perchance some primitive man was bitten by a venomous snake; his fellows beheld him writing with pain, and reasoned hence that all snakes were dangerous; the impression thus received was so burned upon the human mind that it has become a constitutional habit of thought "petrified," and is transmitted to posterity, for no doubt if a child were taken in early infancy to some uninhabited island and away from human intercourse it would have the same repugnance to snakes.

Human instincts are so modified and obscured by reason that a comparison with the

brute creation cannot safely be made, but still resembling traces may be discerned.

The sense or instinct of direction appears much stronger in some men than others. I have traveled with men through forests, over mountains and across streams, turning hundreds of times; yet though unacquainted with the locality, they would keep in mind the direction of the starting-point.

And it would seem that the lower the scale of life and the smaller the brain, the narrower the range of instinct—showing it to be a mental faculty.

The mason bee appears to have exhausted the resources of its genius in the construction of its mud hut and storing the honey and eggs; its brain could go no further. All brains, even those of men, have their limitations, sad to say.

The bird has instincts, the same as the mason bee, and perhaps, like the mason bee, what it does it does from instinct; but its instincts take a much wider range than those of the mason bee, showing that the brain of the primitive bird was much larger than that of the bee; that its faculties were much greater and its processes of reasoning much more complex before it became petrified; for the bird builds its nest, lays its eggs, hatches them, feeds and cares for its young, and in case the young are threatened with danger, the mother bird will pretend injury to divert pursuit to herself.

And suppose Fabre had experimented with the bird as he did with the mason bee, would he have got the same results? Suppose he had

substituted a completed nest of one bird for the half-completed nest of another bird. Would the bird for whose half-completed nest a completed nest had been substituted have proceeded just where she left off and added another half nest to the completed one, as the mason bee did?

Fabre, no doubt, was a patient observer, but, as Mr. Darrow says, he was not a philosopher. He was too much of a Catholic to give up the God and design idea. He could not overcome his religious instincts. As with nearly all creedists, his reason had petrified along that line; and a pity it was, too, for an acceptance of the evolutionary idea would no doubt have brought him larger truths and much more useful discoveries to the storehouse of knowledge.

Instincts may be fallacious, vicious and inutile, as well as needful and correct. Men's instinctive fear of serpents makes them kill a great many harmless and useful animals, and I can see no reason why the mason bee might not utilize some ready-made crevice in stone or wood as a receptacle for her honey and eggs, as a great many other insects do, unless and except in the beginning she went through some fallacious processes of reasoning. Why does the dog sleep with his head to the fire, or turn around a number of times before lying down?

As the different forms of organic life have evolved from the simpler forms, individuals of all forms appear to have been arrested at the advances attained and became a fixed type. A like evolutionary principle is discernible in the development of mind, although it is much more

obscure and harder to follow up and trace than in the material forms.

If the burden of years did not lie so heavily on the venerable John Burroughs, he might, out of his illumined mind and with his fund of first-hand knowledge, send us some additional light. Could Professor Eccles help us out?

HUGH H. MARTIN.

THE SOURCE OF ANIMAL INSTINCTS

By David Eccles

Agnosticism, in certain departments of thought, has its uses; but when it intrudes into biology and writes "Ignoramibus" all over organic nature it acts as an opiate on the mental faculties and should be resisted. "Fabre does not know why, I do not know why, and nobody does," says Mr. Clarence Darrow, speaking of certain mysterious instincts discovered by Henri Fabre in spiders, bees, wasps and other insects. Many of these discoveries were made before Darwin wrote his "Origin of Species," and much illumination has been thrown on the problem since that date, even if Mr. Darrow does not know and Mr. Fabre never cared to know. The good old explanation, "miraculously endowed by God," satisfied him. The mind that can rest on these unsolved problems without even an effort to guess at a solution, having rejected the design theory as unproved and inadequate, presents a peculiar apathy in itself.

In marshaling facts for explanation, any kind of theory, even if it fails of a complete explanation, is better than none. The theory of natural selection, by slow accretion, has explained much of natural adaptation, and gives promise of eventually explaining it all. But if we suppose things have always been as they are then Nature is a standing miracle and no explanation, save the theological one, is possible. The ap-

parent malignity of Nature can be brushed aside by the faith that "behind a frowning Providence he hides a smiling face." What are the feeble and separate instincts of spiders, bees, wasps and ants, compared to the wonderful co-ordination found in the human system itself? Can anything in these parallel the marvelous complexity of sensations evolved by cells modified through the ages into special organs, nerves, veins, capillaries, muscles, connective tissue, fluid circulation, secretive glands, bones, etc. all depending for their harmonious working on ten thousand instincts specialized in the primal amoeboid units? The spider's web is simplicity itself compared to this grand arborescence, reticulation, and anastamoses. The white blood cells, following instinct, sacrifice themselves daily to save our bodies from poisonous bacterial invasion, and each unit in the total, following its own sensational promptings, is building higher than it ever knows. Their actions are not reasoned out at all. They are the mere expressing of feeling, and the feelings are there because all that failed to vary in this direction have been exterminated through ages of organic selection. Most of the cells have carried their first endowment of respiration through every change as an abiding index of their individuality. They do their own assimilation and breathing, as the needs of each are peculiar and specialized.

Instinct is the simplest and crudest form of mind. It begins in mere mechanical tropisms. When the roots of a plant turn to water in whatever direction it is, or the leaves turn to

sunlight they obey an instinct. Professor Loeb, from the physical side, will explain the chemistry that compels them to turn, nevertheless it is an adaptation to help the development of a living system. All matter does not respond in this way, only that matter specially constituted to react to water or sunlight. We are not in the habit of calling the plant's movements an instinct, but where shall we draw the line? When a Drosera or a Venus Fly-trap closes its cilia or leaves on an insect and holds it till digested, then slowly opens, in what respect is its action different from an amoeba? They are both brainless and respond to nothing but a stimulant. For years I have tried to impress the important truth that evolution can create nothing. It can only bring into more unity and co-operation powers already present. "If matter starts as a beggar," says Tyndall, "it is because the Jacobs of theology have robbed it of its birthright." When a crab is taken from a pond and thrown over a hill fifty yards away it will immediately start back in an ambling way for the pond. Like the camel it has a sense that tells it exactly where the water is. Tropisms are organic tendencies to mechanically execute movements that in the main are beneficial to the system. We have chemical tropisms (chemo-taxis), phototropisms, or heliotropisms (reactions to or from light); geotropisms, obedience to gravity; thigmotropisms, responding to surface contact, etc. The sense of direction in some animals may be originally derived from a magnerotropism.

Take the case of newly-hatched loggerhead

turtles. The babes invariably move away from red, orange, green, etc., but turn toward opaque or transparent blue. By following this tropism they are enabled to reach the deep sea, though born on land. As a case of geotropism, Professor Bohn has shown that the Convolutas (a sea worm) in a quiet aquarium rises and falls with the tides—they ascend when the tides go down and descend when it arises, though they may be miles away from its influence. That it is not merely periodical is seen in the fact that they keep time with its irregularities. Being a sea-worm, natural selection built up this tropism to preserve the race. Chemotropism is seen in the action of ciliated larva of the liver-fluke. This is a parasite that causes liver-rot in sheep. They swim round and round in the pond, coming in contact with many forms of vegetation and living things to which they pay no attention, for they do not eat, having no mouth. If no water snails are in the pond they eventually die, as millions of the egg-germs had done before that had been deposited on the upland and never reached water. When they find by touch a water-snail they immediately show excitement and make for its breathing apparatus, the only aperture it can enter. Here they go through three stages of metamorphosis till transformed into an animal with a bilobed food canal. They feed on the snail till it dies, and leave the water, wiggle up blades of grass, become encrusted thereon, till a sheep comes along, eats the grass and starts it anew on its old life permutations. How many millions of failures and readaptations did it

take for this creature, with merely a chemical sense, to fit itself to such changes? Remember, most of this lower parasitic life multiply at a rate that if supplied with food and living conditions would fill the bounds of the earth within a few years. I have no doubt at first it found an abode in other animals, but at last it specialized on the sheep as its surest protector. Now the extinction of the sheep means its own extinction. A little higher up in the scale of life we find that the larvae of fresh-water mussels exhibit the same chemotaxis. If a piece of fresh fish is put into an aquarium where they are they will jump and snap at it, just as they do at the minnows in the ocean, who carry them around till they complete their metamorphosis, when they fall back into the mud.

The easiest error the human mind falls into is the belief that an adaptation is a device. It fills a certain end, therefore it must have been designed for such an end, is the common thought. It is the adaptation of the sphex to feed its larvae by stinging the caterpillar that leads to the belief that either the sphex foresees the larvae's wants and provides for it, or that some higher intelligence implanted instincts in it that meet the end. Through careless observation, or to fill the craving for wonder, the adaptation is generally exaggerated. Professor Marchal has shown that the instinct of the sphex wasp to sting at a precise point is neither as fixed nor as accurate as Fabre represented. Many blows have often to be given and mistakes are made. The crickets or caterpillars

frequently recover and get away after being stung. Even Fabre has shown that if a fresh cricket is placed in the hole a substitute for the one just stung it is dragged out and the battle renewed, showing that it is not pure routine, and that the wasp is prepared by experience for such an emergency. If the doctrine of Natural Selection is true, some time in the distant past sphex wasps stung their victims at random and had many more kinds to select from. Even now the varieties of wasps choose different kinds of food. This led to the failure of the eggs to hatch in adequate numbers. Those survived best that were best preserved; and those were best preserved where the tendency was to select the most adapted subject and to sting most effectually. In this way natural selection perpetuated those that paralyzed by stinging nearest to the nerve center. By degrees the limbs, sting, and organs were selected to bring each stinging feat nearer perfection, and thus was the perpetuation of the race assured. The crickets themselves may at first have furnished the holes by burrowing after worms. The only instinct the wasp had primarily was to eat and to deposit its eggs. This was an old inheritance. Eggs are deposited in millions of ways, under millions of conditions all over this earth. Some are merely dropped at random and left to the hatching power of the sun, and the range of resistance extends from 250 degrees below to 210 degrees above zero.

All stinging insects draw fluids from the bodies of their victims. Food is their prime pursuit; the rest is cumulative or incidental.

If they deposit eggs or germs—as many of them do—it is because it is a mechanical accompaniment of the suction. When the sphex wasp stings a caterpillar it simply wants to satisfy its appetite. The kind of food selected stimulates it to get rid of its eggs. Burying its victim may be the rudiment of an instinct derived from a remote ancestor who stored its food. Storing of food is common among insects and higher animals. The abundance of food the sphex found renders this instinct useless to itself, but the salvation of the larvae. If we do not contemplate these instincts from a cumulative point of view they are beyond all understanding. The mole provides worms for its winter use. To keep its prey in readiness it bites its head off. In the summer time the worm's head would be renewed by growth and it would crawl away. In the winter the biting renders it inert and a new head does not grow. The mole thus, far underground, has fresh meat on tap. The animal itself is as much a degenerate as the whale or porpoise. Its original limbs and eyes aborted or distorted. Probably it began by scratching after worms like a hen, but its small frame enabled it to go deeper underground, and the deeper it went the more it was subject to disease conditions. These acted on its germ cells and compelled change. The hand became a shovel, its nose a snout, new bones were supplied to strengthen muscular action. The eyes diminished and became covered with hair to protect them from dirt and friction, the lens aborted and sight became imperfect, the ear lost its external drum, etc. Viewed just as it is, it is a wonder; viewed

from the point of natural selection, the slow change is simplicity itself. All the magic and miracle and sterile astonishment that Mr. Darrow likes to cultivate is gone.

There is no "petrified reason" about these habits. It is blind mechanical selection, as much so as the pocket the boulder wears in the bed-rock of a stream when the current tries ineffectually to move it on. The hole and the boulder become mutually adapted to resist the current; and if they were sentient things, benefited thereby, we would see God's providence in the act, as the old lady did in noting that large rivers ran near great cities. These instincts started before reason as the first expression of sentiency. Reason only comes in when a large brain treasures complex memories. The relation between the phenomenon and the fact is unknowable. Ultimate explanations as to why things exist at all are beyond science and beyond reason. Looking for a purpose answers nothing; for the everlasting question still remains: "What is the purpose of the purpose?" The earliest endowment or instinct of life is to get food. It took millions of years before an organ was made that could move and seek for it. Life always presses on the boundary of its food supply, so that there is a constant struggle for existence. This has led to universal slaughter and parasitism. Mr. Darrow asserts that Fabre says that he has never found any species save man that acts as a parasite to its own kind. Whenever a man wants to conceal a falsehood he resorts to metaphor. It is only metaphorically that man is a parasite on his

kind. A parasite is by scientific definition a smaller plant or animal of another species that lives on the abundance of a larger one. But almost all animals steal from each other and many prey upon their own kind. Most of the fishes prey upon their own young. Mr. Darrow himself has given illustrations of such preying. The females of spiders, scorpions, "praying Mantis," etc., as he has shown, eat the males in the nuptial act. The controlling desire of the female is to eat; it is different with the male. And here we see how instincts are mechanically limited. If males had shown a tendency to eat the females in the sexual act they would have wiped their kind from the earth. After the act of impregnation the male can be spared. The death of the female would mean the death of the possible progeny. Wrong variations often occur, but they correct themselves by their own extermination. Personally I think that accompanying every adapted tropism there is a sense of comfort or discomfort—perhaps too elementary for us properly to conceive with our higher and more acute sensations. A Mantis that allows itself to be eaten without resistance cannot have much pain, nor a wasp after it has been cut in two at the waist that keeps on sucking the juice or syrup it was indulging in before being severed.

The facts of adaptation are universal and apparent. Their causes are more concealed; but when discovered are usually so simple as to cause us to be astonished at our previous astonishment. Take the adaptation that en-

ables the chameleon to change its color with its environment. For millions of years coloration has been a subject of natural selection. Half of Nature is a camouflage. Butterflies, moths, Mantises, etc., mimic to perfection the leaves, flowers and branches on which they generally abide. As to the cause a simple experiment tells the story. Professor Cesnola tethered 45 green praying Mantises to green herbage and 65 brown ones (both colors being changeable with the season) to withered herbage and found that not one of them was taken by a bird in 17 days. He reversed the order and found all the green ones were taken in 11 days, while only ten of the brown ones on green herbage escaped the vigilant birds in 17 days. Does anyone doubt the mechanical cause of this adaptation? The selection not only extends to color but to shape and habit. The praying habit of the Mantis is its method of mimicking a dead branch. Has design or "petrified reason" anything to do with this? To believe so one must be very credulous. Coloration has numerous causes. It may be chemical or mechanical. In the evolution of organic substances a colorless matter has been found, called chromogen, that takes on different colors according to the amount of oxidation. Nature made millions of futile experiments before she developed this substance. These experiments, as Dr. R. G. Eccles has shown, as well as others in the building up of the organism, were mainly the side product of parasitism. It is all a battle of chemical solvents and resistants to these solvents. Not a metazoan creature on earth is free from

parasites. In the years agone I have shown how this parasitic battle has been the cause of the imperviousness of the skin to microbes, the heat and coagulation of the blood, the poisonousness of all organic substances when injected into the system without being first broken down by the solvents of the stomach into their respective amino acids, the retirement of the germ cells to secluded parts of the body and their gradual decrease in numbers, the separation of the sexes, the close chemical connection of all consanguineous species, as proved by anaphylaxis, etc., etc. All this differentiation is the work of blind natural selection. Neither the parasites nor the cells have brains. A chemical change that will dissolve or resist is all that Nature needs to build on, and these changes by the aid of sentiency are continually being forced. The greatest marvel is the power the organic molecules have to change from acids to bases, and vice versa, by mere rearrangement of radicals, but this, to be understood, requires more knowledge of chemistry than the average reader possesses.

The parasites select the food they need by solvent powers of their own juices A million different kinds of food may be touched without awakening response, but when they touch the right kind, like the liver-fluke with the snail, they show excitement. A certain kind of mosquito—the anophele—unerringly selects the blood of man. Another kind of mosquito selects bird's blood. In this selection each carries to the host the germ of a parasite. If the first kind bites a bird it swallows with the bird's blood a parasite. When it does so it

digests both blood and parasite. If the second kind bites a man, it also takes in a parasite, but digests it. Thus both parasites are killed. But when they attack their preferential food, and the parasite is taken in, neither of them can digest it. It has a stage of development in their own system and is transferred again to the host. If both of these mosquitoes should vary so as to digest both parasites, malaria would depart from both bird and man.

I have made this excursion into biology at the call of my friend, Hugh Martin. I hope it will clarify his judgment. He plainly saw that Mr. Darrow's treatment led nowhere, but was too much tinctured with Lamarckism to furnish the proper reason. No proof has ever been advanced that a habit becomes an instinct. Some of the most perfect instincts could not arise by habit, for they are executed only once in a life time. Almost all people reverse the order of Nature and try to make structure a product of intelligence. The very opposite is true. Man is intelligent because of his brain structure, made by natural selection, and some people are no more competent to become philosophers than I am competent to become a Caruso. My vocal cords are defective and no training could change them beyond inherent capacity. We all have a reserve power that training can improve, but it is limited by the structure. Only the survival of favorable variations can improve a voice or improve a brain. The higher animals have an intelligence that enables them through experience to add to and build on their instincts. A bird does this. The

first brood of ducks a hen raises causes her endless alarm, when they approach water, but after she has raised several broods, she will actually call her own chickens to go into the water. Fear is instinctive where fear is a protection. The fear of snakes goes beyond man to the monkeys, and even lower than that, as I have seen my turkeys crane their necks and chatter like magpies at one. A pig has no such fear, because a pig is immune. The habit of the dog to turn around before lying down promoted his comfort, when as a wolf he camped where the night found him and lay down in the grass, stubble or weeds. How structure and instincts are cor-related is the unknowable. No one knows it all, but it is not safe for a man to assert that because he and his self-selected instructors have not an explanation of a fact, no one else has.

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E. HALDEMAN-JULIUS
Editor
LITTLE BLUE BOOK

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Law School RECD AUG 11 1936

PLEA of Clarence Darrow, *in his own Defense to the Jury that exonerated him of the charge of bribery at* Los Angeles *August - 1912*

With Portrait 25 Cents

Golden Press
Los Angeles – San Francisco
Rockford, Ill.

PLEA OF CLARENCE DARROW IN HIS OWN DEFENSE *to the* JURY AT LOS ANGELES AUGUST, 1912

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FOREWORD

THERE was no dry eye or unmoved heart in the crowded courtroom when, at noon on the 15th of August, 1912, Clarence Darrow gravely turned from his long address to the "jury of his peers" and quietly resumed his seat at the "bar of justice," where for three weary months the District Attorney of Los Angeles County, the National Erectors' Association and the Burns Agency, had exhausted every means to convict him of bribery.

On the morning of the 17th, as soon as the instructions of Judge Hutton had been delivered, the jury quickly, decisively voted "Not Guilty." The trial was based on the charge that on the 28th of November, 1911, the defendant had given Bert Franklin $4,000 with which to go down on Main street and bribe a prospective juror (Lockwood) in the case of J. B. McNamara then on trial. Briefly, the state's evidence was that Lockwood and the District Attorney arranged to have the money passed while a number of detectives were watching. Also, that in January a representative of the National Erectors' Association, Special Federal Prosecutor Oscar Lawlor, and Mr. Darrow's former employe John R. Harrington, met at the Sherman House in Chicago and planned a dictagraph ambuscade which was later operated at Harrington's room in the Hayward Hotel at Los Angeles to which Mr. Darrow was unsuspectingly lured by Harrington on a pretext of friendly and confidential conversation. A great many collateral issues were introduced, the Court permitting the state the widest latitude, so that during the long trial, which began on May 15th and lasted till August 17th, the entire McNamara defense, its settlement, and the pleas of guilty were exhaustively rehearsed.

Clarence Darrow is like no other man. His position in

the nation and at the bar is unique—his life, his ideals, his "view of things" are his own. He is often silent; but when he speaks men listen. What he writes or says has a strength and character individual, distinctive, profound, and humane. In no wise is he an entertainer, but a man of thought and purpose. Those who seek rhetorical flourishes and flights of mere oratory need not search the following, or any pages, of the man Darrow. The former do, however, reveal to a considerable extent the method—and the "madness," if you will—of one of the greatest publicists in America in the most critical hours of his career—a circumstance which gives these pages a value apart and an importance beyond the province of contemporary judgment. This, his latest and perhaps his greatest jury address which, by the direction and with the valued assistance of Mr. Fay Lewis, his life long friend, I have prepared for publication as carefully as the time at my disposal would permit and with regrettable but unavoidable scantiness of revision on the author's part, was delivered entirely impromptu without even the assistance of notes. It was spoken rapidly, unhesitatingly, without a single pause, and its official transcription by the court reporters was by no means flawless. In a few instances, the purely technical discussion of obscure points has been omitted, but in the main, and practically, the plea stands as it fell from the lips of the accused man—fell on hearts and ears keen to lose no syllable of its awe-ful earnestness, its quick turns of humor, its wonderfully pleasing rhythm, its quiet boldness, its daring dignity and its subtle symplicity. It will not "read" as it "listened," of course, for the personality that uttered it is not to be translated by type, but the cause of the weak which it voiced is not lost in the printed pages, nor is the warp of profound philosophy on which it is woven obscured.

LUKE NORTH.

Los Angeles, August, 1912.

"EVERY STEP IN CIVILIZATION MEANS
THE ELEVATION OF THE POOR, MEANS
HELPING THE WEAK AND THE OPPRESSED"

M. A. DONOHUE & CO PRINTERS, CHICAGO

PLEA OF

CLARENCE DARROW

In His Own Defense to the Jury that Exonerated Him

Mr. Darrow began his address to the jury shortly after court convened on the afternoon of August 14th:

GENTLEMEN of the jury, an experience like this never came to me before, and of course I cannot say how I will get along with it. I am quite sure there are very few men who are called upon by an experience of this kind, but I have felt, gentlemen, after the patience you have given this case for all these weeks, that you would be willing to listen to me, even though I might not argue it as well as I would some other case. I felt that at least I ought to say something to you twelve men besides what I have already said upon the witness stand.

In the first place I am a defendant charged with a serious crime. I have been looking into the penitentiary for six or seven months, and now I am waiting for you twelve men to say whether I shall go there or not. In the next place, I am a stranger in a strange land, 2,000 miles away from home and friends—although I am proud to say that here, so far away, there have gathered around me as good and loyal and faithful friends as any man could have upon the earth. Still I am unknown to you.

I think I can say that no one in my native town would have made to any jury any such statement as was made of me by the District Attorney in opening this case. I will venture to say he could not afterward

have found a companion except among detectives and crooks and sneaks in the city where I live if he had dared to open his mouth in the infamous way that he did in this case.

But here I am in his hands. Think of it! In a position where he can call me a coward—and in all my life I never saw or heard so cowardly, sneaky and brutal an act as Ford committed in this courtroom before this jury. Was any courage displayed by him? It was only brutal and low, and every man knows it.

I don't object to a lawyer arguing the facts in his case and the evidence in his case, and drawing such conclusions as he will, but every man with a sense of justice in his soul knows that this attack of Ford's was cowardly and malicious in the extreme. It was not worthy of a man and did not come from a man.

I am entitled to some rights until you, gentlemen, shall say differently, and I would be entitled to some even then, and so long as I have any, I shall assert them the best I can as I go through the world wherever I am.

What am I on trial for, gentlemen of the jury? You have been listening here for three months. What is it all about? If you don't know then you are not as intelligent as I believe. I am not on trial for having sought to bribe a man named Lockwood. There may be and doubtless are many people who think I did seek to bribe him, but I am not on trial for that, and I will prove it to you. No man is being tried on that charge. I am on trial because I have been a lover of the poor, a friend of the oppressed, because I have stood by Labor for all these years, and have brought down upon my head the wrath of the criminal interests in this country. Whether guilty or innocent of the crime charged in the indictment, that is the reason I am here, and that is the reason that I have been pursued by as cruel a gang as ever followed a man.

Now, let's see if I can prove this. If the District Attorney of this county thought a crime had been committed, well and good, let him go ahead and prosecute, but has he done this? Has he prosecuted any of the bribe takers and givers?

And who are these people back of him and back of the organization

of this county who have been hot on my trail and whose bark I can remember from long ago? Will you tell me, gentlemen of the jury, why the Erectors' Association and the Steel Trust are interested in this case way out here in Los Angeles? Will you tell me why the Erectors' Association of Indianapolis should have put up as vicious and as cruel a plot to catch me as was ever used against any American citizen? Gentlemen, if you don't know you are not fit to be jurors. Are these people interested in bribery? Why, almost every dollar of their ill-gotten gains has come from bribery. When did the Steel Trust—the Steal Trust, which owns the Erectors' Association and is the Erectors' Association—when did it become interested in prosecuting bribery? Was it when they unloaded a billion of dollars of watered stock upon the American people—stock that draws its life and interest from the brawn, the brain and the blood of the American working man? Are they interested in coming all the way out to this State and to Los Angeles to prosecute a man merely for bribery? There are a good many states between this city and New York City. There are a good many State's Attorney's in this broad land of ours. They can begin at home if they would, these men who have made bribery a profession and a fine art. Gentlemen of the jury, it is not that any of these men care about bribery, but it is that there never was a chance before since the world began to claim that bribery had been committeed for the poor. Heretofore, bribery, like everything else, had been monopolized by the rich. But now they thought there was a chance to lay this crime to the poor and "to get" me. Is there any doubt about it? Suppose I am guilty of bribery, is that why I am prosecuted in this Court? Is that why by the most infamous methods known to the law and outside the law, these men, the real enemies of society, are trying to get me inside the penitentiary?

THE UNFORGIVABLE CRIME

No, that isn't it, and you twelve men know it. Your faces are unfamiliar to me. There may not be a man on this jury who believes as I believe upon these great questions between capital and labor. You may all be on the other side, but I have faced the other side over and over

again, and I am going to tell you the truth this afternoon. It may be the last chance that I shall ever get to speak to a jury.

These men are interested in getting me. The have concocted all sorts of schemes for the sake of getting me out of the way. Do you suppose they care what laws I might have broken? I have committed one crime, one crime which is like that against the Holy Ghost, which cannot be forgiven. I have stood for the weak and the poor. I have stood for the men who toil. And therefore I have stood against them, and now this is their chance. All right, gentlemen, I am in your hands, not in theirs, just yet.

In examining you before you were accepted as jurors, Mr. Fredericks asked you whether, if I should address you, you would be likely to be carried away by sympathy? You won't be if you wait for me to ask for sympathy. He has cautioned you against my argument. You will find I am a plain speaking man, who will try to talk to you as one man to another. I never have asked sympathy of anybody, and I am not going to ask it of you twelve. I would rather go to the penitentiary than ask for sympathy.

I have lived my life, and I have fought my battles, not against the weak and the poor—anybody can do that—but against power, against injustice, against oppression, and I have asked no odds from them, and I never shall.

I want you to take the facts of this case as they are, consider the evidence as it is, and then if you twelve men can find on your conscience and under your oath any reason to take away my liberty, well and good, the responsibility will be on you. I would rather be in my position than in yours in the years to come.

As I have told you, I am tried here because I have given a large part of my life and my services to the cause of the poor and the weak, and because I am in the way of the interests. These interests would stop my voice—and they have hired many vipers to help them do it. They would stop my voice—my voice, which from the time I was a prattling babe, my father and mother taught me to raise for justice and free-

dom, and in the cause of the weak and the poor. They would stop my voice with the penitentiary. Oh, you wild, insane members of the Steel Trust and Erectors' Association! Oh, you mad hounds of detectives who are willing to do your master's will! Oh, you District Attorneys! You know not what you do. Let me say to you, that if you send me to prison, within the gray, dim walls of San Quentin there will brood a silence more omnious and eloquent than any words that my poor lips could ever frame. And do you think that you could destroy the hopes of the poor and the oppressed if you did silence me? Don't you know that upon my persecution and destruction would arise ten thousand men abler than I have been, more devoted than I have been, and ready to give more than I have given in a righteous cause?

I have been, perhaps, interested in more cases for the weak and poor than any other lawyer in America, but I am pretty nearly done, anyhow. If they had taken me 20 years ago, it might have been worth their while, but there are younger men than I, and there are men who will not be awed by prison bars, by district attorneys, by detectives, who will do this work when I am done.

If you help the Erectors' Association put me into the penitentiary, gentlemen, and Mr. Ford stands outside the doors licking his picturesque chops in glee at my destruction, then what? Will the Labor Cause be dead? Will Ford's masters ride rough shod over the liberties of men? No! Others will come to take my place, and they will do the work better than I have done it in the past.

Gentlemen, I say this is not a case of bribery at all. You know the men who have been after me, and the interests that have been after me, and the means that have been used. What have they done? They say a bribery was seriously intended down here on Main Street, close to my office, which I will speak about later, but have they tried to bet a bribe giver or a bribe taker? No, not one. Let us see what they have done. They have taken Bert Franklin and given him his liberty, without costing him a cent. They have taken White and let him go scot free. They have taken Mr. Bain and Mrs. Bain and have not even filed an informa-

tion against them. They have taken Harrington and Behm and brought them here and given them immunity. They have taken Cooney and Fitzpatrick and Mayer and let them go unwhipped of justice. More than that, gentlemen, they have said boldly to Franklin, if he told the truth, and the circumstances would show that he did—in this instance—they have said boldly to him, "If you know anything against anybody in Los Angeles, keep your mouth closed, but help us put Darrow inside the penitentiary." Is there any question that they have done all this? If I am guilty others associated with me are guilty, too. But the crimes of all the others are washed away in order "to get" me.

Gentlemen, suppose I did this bribery, suppose I did, then what? Is there any man in whose soul lurks a suspicion of integrity and fair dealing, is there any civilized man on earth who would convict me under circumstances like that? If there is, gentlemen, I would rather dwell among the savages with District Attorney Ford as a chief, much rather, because I might raise an insurrection against him and get some justice.

Will you tell me if anywhere there could be an American jury, or anywhere in the English-speaking world there could be found a jury that would for a moment lend itself to a conspiracy so obvious and foul as this? If there is, gentlemen, then send me to prison. Anyway, when I reach prison, they can do nothing more to me, and I if stay here, they will probably get me for murder after awhile. I do not mean the murder of Ford, he is not worth it; but they will put up a job and get me for something else. If any jury could possibly, in a case like this, find me guilty, the quicker it is done the better. Then I will be out of my trouble.

Gentlemen, if the State of California can afford to stand it, I can. If the State of California, and the fair city of Los Angeles, can lend itself to a crime like this, the victim will be ready when the time comes. But let me tell you, that, if under such testimony as you have heard here, and under the sort of conspiracy you have seen laid bare here, you should send me to prison, it would leave a stain upon the fair fame of your city and your state that would last while these hills endure, and so long as the Pacific waves should wash your sandy coast. Tell me that any American

jury would do it! Gentlemen, I could tell you that I did this bribery, and you would turn me loose. If I did not think so, I would not think you were Americans of spirit or heart, or sense of justice. Gentlemen, if within this courthouse, men could be bought and bribed with immunity, could be threatened and coached and browbeaten, and if the gold of the Erectors' Association could be used to destroy human life—if that could succeed, it would be better that these walls should crumble into dust.

I do not know you twelve men. I never saw you before, but you have heard my story on the stand, you have seen me here from day to day. You have seen the class of people who have come here to condemn me and befoul my name. You know the class of people who have come here to tell you what my reputation has been. You have seen the witnesses who have come forward to testify in this case, and you are not insane, and I tell you gentlemen, I do not want you to think I am worried about it now; but I have spent troubled days and sleepless nights over the misery that they have already caused me and those near and dear to me. But now I have no doubt about any jury under these circumstances, no more doubt than I had as a child when I laid my head on my mother's breast. Men cannot lose all their heart except by a surgical operation, and there are not here in Los Angeles twelve men without some heart. If there were they would have been in the employ of the District Attorney long ago.

Now, gentlemen, let's see what they have made by their conspiracy? These are strong-arm men. They have the Grand Jury, two of them; with one they can reach across the continent and get whom they want; and when they get him, they take him before the other body, and they say to him—what, gentlemen? They don't say "Your money or your life," but they say "Your liberty or your manhood; take your choice." And the kind of men they choose give up their manhood. How much credit can you give to the word of a man who finds his liberty held before him as a bait for his testimony? Gentlemen, I have tried a good many cases in my time! I have been 35 or 36 years in this profession, and did you send me to prison, why, I have practiced law long enough anyhow; I was going to have a vacation. Of course there are pleasanter places

to take vacations than the one where Ford wants to put me—but I have practiced law a good long time, and I tell you I never saw or heard of a case where any American jury convicted anybody, even the humblest, upon such testimony as that of Franklin and Harrington, and I don't expect to live long enough to find that sort of a jury. Let me say this, gentlemen, there are other things in the world besides bribery, there are other crimes that are worse. It is a fouler crime to bear false witness against your fellowman, whether you do it in a cowardly way in an address to a jury, or from a witness chair—infinitely fouler.

Now, let me put it to you as to men who value your own liberty—because you all value your own liberty, and I trust you value mine, and I have no doubt you do—suppose any infamous scoundrel taken in criminal conduct could know that he could turn on you or on me to save himself, would your liberty be safe? It would not be as safe as mine, for you might not go before as fair-minded a jury as I feel that I am before today. Suppose your hired man could be taken in some act of crime, and the District Attorney could say to him, "All right, here is the penitentiary, but I will let you out if you will fasten the crime on your employer." Gentlemen, would you be safe?

GOVERNMENT BY DETECTIVES

Suppose you thought that I was guilty, suppose you thought so—would you dare as honest men, protecting society, would you dare to say by your verdict that scoundrels like this should be saved from their own sins, by charging those sins to someone else? If so, gentlemen, when you go back to your homes, you had better kiss your wives a fond goodbye, and take your little children more tenderly in your arms than ever before, because, though today it is my turn, tomorrow it may be yours. This consideration, gentlemen, is more important to orderly government, to the preservation of human liberty, than "to get" any one man, no matter how hard they want "to get" him.

Now, gentlemen, I am going to be honest with you in this matter. The McNamara case was a hard fight. I will tell you the truth about it, then, if you want to send me to prison, go ahead, "it is up to you." It was a hard fight. Here was the District Attorney with his sleuths. Here was Burns with his hounds. Here was the Erectors' Association with its gold. A man could not stir out of his home or out of his office without being attacked by these men ready to commit all sorts of deeds. Besides, they had the Grand Jury, we didn't. They had the Police Force, we didn't. They had organized Government, we didn't. We had to work fast and

hard. We had to work the best we could, and I would like to compare notes with them. I wish, gentlemen of the jury, that some power had been given to us to call before this jury all the telegrams sent by the District Attorney's office and sent by Mr. Burns. I wish some Grand Jury could be impanelled to inquire into their misdeeds. But no, we cannot. They sent out their subpoenas and they got two or three hundred telegrams, public and private, that had been sent from our office. What did they get? Have they shown you anything? Do you think you could run a Sunday School without any more incriminating evidence than they got from those telegrams? I have never tried to run one, but I don't believe you could. What did they get? By the wonderful knowledge of Mr. Ford and by his marvelous genius, they found the key to our code. He forgot his bile and bitterness for one night and worked out a key—and then what? A telegram to Rappaport on the 29th, saying that we would give him a thousand dollars, and then a telegram on the first of December—"Better not spend the thousand."

They had detectives in our office. They had us surrounded by gumshoe and keyhole men at every step, and what did they secure? Nothing, nothing. I am surprised, gentlemen, that we were so peaceful in fighting the District Attorney and Burns. I scarcely know why we had a code, except that it looked better, and men in business generally use codes, and I knew they had one, for here and there a stray telegraph operator would send me their dispatches the same as the managers would give my dispatches to Burns. The poor would help me and the rich would help them, but the help of the rich was always of greater avail than the help of the poor, because they were the stronger.

What did they get, with all their grand juries and all their powers, gentlemen? They got conclusive evidence, it seems to me, that everything was regular, that nothing illegal was done, and with all the witnesses—we interviewed some hundreds—with all the time of twenty or thirty men day and night spent upon that cause, with all the money which we were obliged to spend—now let us look at the pitiful thing that they have brought to this jury to try to have you think badly of me. No matter if I had killed my grandmother, it would not prove that I had sought to bribe Lockwood; it might cause you to have a bad opinion of me, but you could not convict me of bribery on that opinion.

But what did they get? Why, it is shown here that before I left the City of Chicago in May, a Burns sleuth set a trap to catch me, and he was here and testified—Biddinger. Who is Biddinger? You saw him, you heard him testify. If there is any man on this jury who could see

Biddinger and would not take my word against his, then put me away, put me away. If there is any man on earth excepting Ford who would not take my word against Biddinger, then I wish somebody would shoot me if you cannot get rid of me in any other way.

What did he say? I will analyze his story for a minute—his story which anybody with any brains would know was a fabrication—except what he told on cross-examination, when he very nearly admitted the whole truth. Under the guise of proving to this jury that he was an important witness, Mr. Ford got him to tell of an alleged conversation with J.B. McNamara, which was probably never held; and then, when Ford came to argue his case, he willfully, maliciously, feloniously, criminally, cruelly, distorted the evidence from the purpose for which it was introduced, to show that J. B. McNamara mentioned me before I ever saw him. Therefore I must have been one of the people who inspired his deed! For God's sake, Ford, if you are ever made District Attorney of this county, if you are able to climb up the ladder of fame, higher and higher still, I would rather spend my days in the meanest prison pen that the wit and the malice of men can contrive than change places with you, infinitely rather. There are some things worse than prison. Ford introduced that statement, and then he told you it showed that I inspired McNamara's act. What do you twelve men think about a person who could make a statement like that?

Biddinger testified that he had a conversation with McNamara. He said he came to my office and told me about it, and told me about some trinkets that he had, that another detective came with him, one whom I had employed in other matters and that part was true. He admitted on cross examination that he did tell me that Burns had traitors in our camp with whom he was consulting, and that he offered to tell me about them. He told me that some of the members of the Executive Board of the organization I was defending were in the pay of Burns, and this, perhaps, was true; they had traitors of ours in their employ. These traitors infest every labor union in this country. The money of the employer is used to hire men to betray their comrades into the commission of crime. I know this. I have fought many of these cases, gentlemen, and I have fought them as squarely as I could possibly fight with such men.

One of the cheapest, meanest, littlest, one of the most contemptible lies that he uttered to this jury was when he discussed the testimony of Ex-Senator William E. Mason of Chicago, who testified to my reputation. Ford says, "You mean Mason, the seatmate of Lorimer?" Now, he did

not even know better, he did not know anything about Mason, he was willing to perpetrate any lie to take away my liberty. Mason left the Senate ten years before Lorimer ever entered it—and they were always bitter enemies. And yet because Lorimer had been expelled from the Senate, Ford thought if he made that lying, malicious statement, you twelve men would be more apt to send me to the penitentiary. Why, gentlemen, if I have to do one or the other, if I must choose, I will go down on Main Street and bribe jurors rather than bear false witness like Ford. Is there any comparison? There is some boldness, some courage, or at least some recklessness to the one; there is nothing but cowardice and infamy in the other.

PLAYED ACCORDING TO THE RULES

Well, Biddinger comes out here, and he telephones me to meet him at the Alexandria hotel, and I go, and I write on an envelope the number of my telephone. Wonderful discovery! Sherlock Holmes! Burns! Ford! Wonderful! Here is an envelope that has various figures on it "Home 6745-10"—whatever you are a mind to call it. Crime in August, heard of for the first ime a year later! The testimony of Biddinger, prompted by Ford—not by the mind of Ford, but by the jaw of Ford. Crime! He met me at the hotel, he told me he was ready to give me information about spies; that he was going to San Francisco in a few days and could put me in touch with somebody who had betrayed us up there. I was not sure of him. Nobody is sure of a double-crosser. Sometimes he is your fellow, and sometimes the other man's. You are taking your chances. I had others besides Biddinger—some who kept their money and rendered me service, and gave me back reports of their detectives in my office.

Biddinger sent me a telegram, as I testified, and here comes Ford and says, "Did you send this mysterious telegram to Biddinger, saying that you would be in San Francisco?" I said, "Yes, I sent a telegram, I don't remember the wording." "Is it in your handwriting?" "No." "Whose is it?" "I don't know." "Is it your wife's?" How much would you take to have a mind like Ford's? I will tell you what you would take if you had a mind like Ford, you would take arsenic. What difference who wrote the dispatch, if I said I sent it?

He picks out a little piece of paper on which is written "6097," which he says was the number of the room I occupied in the Palace Hotel, and asks me who wrote those numbers—asks me!—Ford, Ford—Ford asks me! I cannot help it. I am here. I may die. "To every man on this

earth death cometh soon or late." I do not mind death. It is rather galling though to be eaten alive by ants. That is all that worries me over this transaction. He asked me whether I wrote that. I did not think so. Probably Biddinger wrote it, I might have. I don't care, and I said so. Then he asked me to write those figures Then what did he do? He! Why, he tells this jury I disguised my hand when I wrote those figures. Did I? Do you know whether I did or not? Did you see the figures I wrote? Did anybody testify as to whether it was my natural handwriting or not? Did he introduce them? Did he show them to the jury? Why, no, nothing of the sort. But he told this jury that I tried to disguise my hand in writing a set of figures, which I testified might have been the number of my room.

And I went to San Francisco and saw Biddinger, and he told me he would take me where I could see a meeting between Burns and one member of our Executive Board, and I gave him $200 after giving him $500 for the same purpose, and of course Biddinger did not keep his faith.

And here comes in another little miserable bit of perjury to help strengthen their case, a miserable little bit of perjury that is as plain as sunrise. No man, gentlemen, honestly believes that I had anything to do with bribing or attempting to bribe Lockwood down at the corner of Third and Los Angeles Streets. Of course, there may be men who think I would do it. Ford thinks so, I guess. He would think anything to send a man to the penitentiary. But could anybody else on earth think that? I am not talking about my goodness, gentlemen. I have not too much goodness, but I always had all that I could carry around; sometimes more than I ought to have carried around; and I have played according to the rules of the game, and have taken a little hand in this trial, and you can compare my work, as to whether it is according to the rules of the game, with any of the other lawyers in the case; and I have played it that way for 35 years, and I have never done anything of this kind nor had to do anything of this kind. But that is not what I am discussing.

If you twelve men think that I, with 35 years of experience, general attorney of a railroad company of the City of Chicago, attorney for the Elevated Railroad Company, with all kinds of clients and important cases—if you think that I would pick out a place half a block from my office and send a man with money in his hand in broad daylight to go down on the street corner to pass $4,000, and then skip over to another street corner and pass $500—two of the most prominent streets in the City of Los Angeles; if you think I did that, gentlemen, why find me guilty. I certainly belong in some State Institution. Whether you

select the right one or not is another question, but I certainly belong in some one of them, and I will probebly get treated in one the same as in the other. I say, nobody in their senses could believe that story, and Ford knew it, and to bolster it up by a contemptible liar, he has Biddinger say that I passed $500 in the elevator, and that Biddinger then told me that it was a careless way to do business. I know who told him to say that. I know who inspired that perjury. Of course, I did not pass $500 in the elevator, but if I had, I had just as much right to give that $500 for that purpose as I would have to buy $500 worth of hogs, just exactly. I was doing exactly what they were doing, what Burns admitted he was doing, what was done in all their cases, what Sam Browne says they did, when he testified that they filled our office with detectives. And here comes this wonderful man, so honest, so pure, so high, so mighty, Ford, who says the State has a right to do that, who says the State has a right to put spies in the camp of the "criminal," but the "criminal" hasn't the right to put spies in their camp. Isn't that wonderful, gentlemen? Here is a contest between two parties in litigation; the prosecution has a right to load us up with spies and detectives and informers, and we cannot put anyone in their office. Now, what do you think of that? Do any of you believe it?

Let me clear up more of this drift-wood that has been thrown around the case for the purpose of poisoning the minds of this jury against me—who have spent a lifetime, not all good—I wish it were, I wish it were. I have been human. I have done both good and evil, but I hope when the last reckoning is made the good will overbalance the evil, and if it does, then I have done well. I hope it will so overbalance it that you jurors will believe it is not to the interest of the State to have me spend the rest of my life in prison—though I could find some useful work even there.

The next thing they accused me of was the flight from the state of Flora Caplan, wife of David Caplan, a defendant with the McNamaras. It is too absurd to talk about—a woman who could not be a witness, who could only be hounded and spied upon by detectives and crooks; who could only be driven from her employment into starvation by District Attorneys and their accomplices, a woman whom I knew could never appear in the case, and whom I had no more to do with than the man in the moon. Let me tell you this, and you can make the most of it: If she had been the most important witness that the State had, I would have said to her, "Go, get away from these hounds before they murder you. When the time comes that they want you, you can come back." Nobody

can subpoena a witness and hold him in the State for more than six months. Witnesses have a right to go and come on the face of the earth as they wish, reporting for duty when the time comes. And this was the first day of August and she would not have been needed until the first of January at the nearest. And yet they have brought it up here as a reason why I shall be convicted in another matter. You heard the story. You heard how she went, and why she went. Is there any evidence that I knew a single thing about it? What object would I have had? What would any one of you have done? If you had any red blood in your veins, you would have clubbed somebody or sent her away; you would probably have sent her away. You ought to have done both.

PROSECUTION BY CRIME AND INFAMY

Now let me show you more of the villainy and the infamy of this prosecution which reeks from beginning to end with crime and corruption, and with bloodlessness and heartlessness to the last degree. Mr. Ford stood before this court and this jury, and said that I bribed the witness Behm to commit perjury. The next day his chief said it was not true, but in his argument he has stated it again, among the infamous lies that have fallen from his lips. Bribe Behm! The evidence in this case shows that every dollar he ever got from me was for his expenses, pay for his time and for the man on his farm—$412 altogether. But Ford says I bribed him to commit perjury. Gentlemen, is there safety for any one, when men like Ford are running at large? Bribe Behm! What is the evidence that they produce? Is it that LeCompte Davis and I had Behm together in Davis' office all evening? Then Ford gets Behm to swear that he came to my office the next morning, so I could be alone with him, but Davis' testimony and my testimony is that Behm never was in my office at that time.

What else about Behm? They begin their testimony back in Chicago where they say I got Behm to come out here for an illegal purpose. Did I? You heard his testimony. Mr. Ford says that I had no right to send a man into jail to interview his wonderful witness McManigal, and he says I committed a crime in bringing Mrs. McManigal here. What is the evidence on that? Mrs. McManigal has not become a traitor. It is a wonder that Ford does not indict her so that she can be a traitor. Ford likes traitors and informers and crooks and detectives and heartless knaves. Everybody is a liar in this case but Franklin. Everybody is a crook in this case but the whitewinged Harrington. All crooks. Davis is a liar; Job Harriman is a liar; Wolff is a liar; Older is a liar. These

newspapermen are liars; all are liars, and the only simon pure man, the only man who stands here as a credit to the beauty of your Los Angeles climate, and the glory of your Los Angeles mountains, is Franklin. Gentlemen, you ought to advertise him for the tourists.

Of course, Behm says that I told him to lie. First, I began in Chicago, where I asked him to come out here with Mrs. McManigal. Who else asked her to come? Why, Burns. He offered her money to come. His men met her at the train when she did come. They wanted her, and she had as much right to come at my solicitation as at that of Burns. The evidence is that she came to me. She said she didn't believe that her husband had made these confessions, and she wanted to come, and I gave her money out of the defense fund to come and see her husband. And suppose she did come to get an interview with Ortie McManigal? Why do you suppose his name was put on the back of the indictment? Names of the witnesses are put on the back of indictments for the very purpose of permitting them to be interviewed by the defendant and his counsel. Now, there was no chance for me to go and see Ortie McManigal, but his wife might see him, and his uncle, Behm, might see him. In that way, I might prepare my case. I had as much right to do that, gentlemen, as one of you has to consult a lawyer or a doctor. Just the same right, and they know it; and yet, for doing what every lawyer does I am put down as a criminal in Southern California, the land of free men and free women. All right, gentlemen, Ford thinks that would be California hospitality, no doubt.

Well, Behm went before the Grand Jury and gave his testimony, and he says that he swore falsely, and that Davis and I drilled him. I know he did swear falsely in some respects, for he swore that I did not give him any money, and I did. I paid it to him by check on a Los Angeles bank, where, of course, the detectives would know of it the next day. Davis and I both testified that he came to us and that we told him after the first conference, to answer all questions excepting such as we thought were incompetent, irrelevent and immaterial and to these he was to reply, "That don't concern the case."

FREDERICK'S JUDGMENT SEAT

Let us next look at Dickelman. Here is more of the wonderful fairness of this wonderful District Attorney that holds your life and your destiny in the hollow of his hand. What about Dickelman? What is the evidence? Dickelman was with a Burns detective in Albuquerque. We had as much right to take him to Chicago as they had to take him to

Albuquerque, and Dickelman himself swears that he was given $100 to return to Los Angeles when he should be wanted. Talk about fairness! They talk about Hammerstrom because he is Mrs. Darrow's brother. It is not malice against Mrs. Darrow, it is not malice against Hammerstrom, it is malice against me. They would take that boy and indict and prosecute him, and let Franklin, Harrington, Behm, Bain, White, Krueger, everybody else go, because he is one near to me. But what about Dickelman? What is the evidence? Maybe my word is not good any more. It used to be; even my note was good once; my neighbors and my friends and lawyers used to take my word—they used to take it in place of a stipulation in court. They used to take any statement I made in court or out. Maybe their confidence will be withdrawn after Ford's onsloughts.

Davis testifies that he came into my office when a man was present who said he was a detective, and who told us that Burns' men had Dickelman in Albuquerque, hiding out, and that he (Davis) and I together asked this young man and his companion to go and see him, and if they thought we could make use of him, to take him away from the Burns' detective. Was there anything wrong about that? Does anybody claim that was illegal? Does Dickelman deny that testimony? Does anyone deny it? And yet I am denounced as a crook, a man fit for the penitentiary. And they undertake to prove by their precious man Franklin that Davis advised him to commit perjury, and told him to make up his story and take it to Ford, but there is no prosecution for that. "Darrow is the man we are after, if you know anything about anybody else, keep your mouth shut, but help us get Darrow."

Gentlemen, some of you have lived quite a while in the world, did any of you ever hear of a thing like this since you were born? Aren't you ashamed of your people, your officials and your State? If I am guilty, which I have told you in every way, under oath and not under oath, that I am not—and I have proven, I believe, fortunately by a greater array of honest men and women than are often gathered by a man accused of crime—if I am guilty, is there one man in this jury box, one man, upon your oath, your conscience—is there one man here who loves justice and fair play, who will say that I should be singled out from among this mess, and every crook and thief and spy and informer and traitor in this case get immunity? Who are these wonderful men who hold the destiny of their fellowmen in the hollow of their hands? Who are they?—given the infinite power of forgiving sin—given the power of life and death, and the power of punishment? They say to every thug and crook that comes across their path, "Come to Los Angeles; come to the judgment

seat of Fredericks, and 'though your sins be as scarlet, I will wash them white as snow." Gentlemen, under circumstances like this, I could afford to go to prison, but let me tell you that while a verdict of guilty would place a blot upon my name, it would place one infinitely darker upon the name of every person connected with an outrage like this.

Now, let's get to the rest of the case. There are a few little things to clear up, just a few little things, sort of specks on the moon. They say that Franklin went to—how many fellows? Smith, Young, Krueger, Yonkin, Underwood? I am not going to spend much time about this, because I want to get where I can discuss this Lockwood case before I go to the penitentiary.

Did I have anything to do with soliciting Yonkin, Smith and Underwood? I sometimes think I did. I'll tell you why—because Franklin says I did not. Franklin says I did not know anything about these solicitations, that he never even told me. Now, that means something; of course he didn't tell me. I never heard of it, any more than any one of you twelve men. Franklin says I didn't. As long as Franklin says I didn't, I suppose even Ford would believe it. But how comes it that this man was going around offering bribes to jurors that I didn't know of? Suppose I had given him omnibus authority, and he had gone to four men who had turned him down, don't you suppose he would have told me? Do you suppose I wouldn't have known it? Think of it,here is a man who goes to four men, without any solicitation from anybody, least of all from me; he never tells me a single word about it. If he went to these four without my knowledge or direction, what about the others? Somebody knew of these attempts, somebody besides me, and I think I can hear Mr. Fredericks saying tomorrow, after my last words have been spoken, "How could all of these things have gone on and the defendant not know of them?" How could it? Of all the people connected with this case, I would have been the last person to know. I was a total stranger in this county. Every other lawyer connected with this case was known throughout the length and breadth of this county. If somebody had been approached at the instigation of counsel, any of the other counsel would have known about it a hundred times more readily than I. Of all the people connected with this case who could possibly have known or heard it in any way, I was the last person and the one most unlikely to have known or heard of it in any way. Ford speaks of me as though I were a cheap jury briber, ready to give a bribe to anybody who happened along. It is a wonder that I didn't try to bribe Ford. You do not know me. Counsel would not let you read my books. If you turn me loose, I hope

some time you will have a chance to read my books, so you will see if you have made a mistake. Now I am as fitted for jury bribing as a Methodist preacher for tending bar. By all my training, inclination, and habit, I am about the last person in all this world who could possibly have undertaken such a thing. I do not intimate for a moment that anybody else would, but in all this situation, mine was the position which needed to be guarded the most carefully, as these events have shown.

This is the most wonderful case in criminology that I have ever encountered in my profession. You will notice that Franklin had a great penchant for bribing people we couldn't possibly have used as jurors. The more honest the man, the quicker he would offer him something, try to "slip him a little money."

LOCKWOOD'S "STRICT INTEGRITY"

There was George Lockwood, a man of "the strictest integrity." Maybe he is—I don't know him. I wouldn't think so from his having been a friend of Franklin so long. Guy Yonkin was an honest man, and John Underwood was honest, and Smith was honest; every one of them honest men, every last one, and Franklin goes and visits with their wives, and asks them whether they will take a bribe in the McMamara case.

Now, gentlemen, we have got to use a little common sense in this matter. If I am going to the penitentiary, it will be a great solace to me in the long days of my confinement, to think you used a little common sense in this case, and were not carried away by Ford. Does it look like a case of jury bribing? Or does it look like something that was framed up? Out of all these men whose names Franklin mentioned he swears that he believes that Yonkin, Smith, Underwood, and the man Lockwood, captain of the chain gang, were honest and incorruptable—and he goes forth to bribe them. But Krueger was not honest—something else was the matter with him. Krueger had been in trouble with the District Attorney and Franklin says he knew the District Attorney would not take him, and he testified that he told me so. So he tried to force money on to Krueger, when he knew that Krueger could not possibly have been a juror; and it took two men to get this fellow whom the District Attorney would not possibly have accepted as a juror.

Gentlemen, am I dreaming? Is this a real case and have I been practicing law for 35 years and built up some position in the community where I live and where I don't live, and now am I brought to the door of the penitentiary charged with a crime like this?

Gentlemen, don't ever think that your own life or liberty is safe;

that your own family is secure; don't ever think that any human being is safe, when under evidence like this and circumstances like these, I, with some influence, and some respect, and some money am brought here and placed in the shadow of the penitentiary for six long months. Am I dreaming? And will I awaken and find it all a horrible nightmare, and that no such thing has happened?

Now, what about Bain? I think you gentlemen must know that every word said about these other four shows that I had no connection with this Bain matter. Franklin, himself, said that I knew nothing whatever about three. He said that two men were sent after Krueger, and that I was informed he could not possibly qualify. These tales are brought up here against me, and yet if I was not connected with these cases, is it not pretty safe to say that I was not connected with the other two? The same brain and the same hand were back of it all, and the same money was back of it all, or the same job was back of it all, whichever way you put it, and I take it there is not a sane person who could think for a moment that I had any knowledge of, or any connection with these four bribery charges.

I am still under indictment for having offered a bribe to Robert Bain. Of all the silly things in this case, the Bain matter is about the silliest. It was saved by the prosecution as a delectable morsel for the end of this trial, because Mrs. Bain was a woman somewhat advanced in years, and Robert Bain was a veteran of the Civil War. I do not know what that had to do with it, but Mr. Ford evidently thought it had something to do with it, and so it was brought in here at the last, this Bain case. Now, let me just give you a brief recital of some of the evidence in the Bain case, and if I misquote the evidence, any of the jurors of the lawyers are at liberty to correct me. I may sometimes misquote because I cannot carry it in my mind—and I cannot have much of a mind anyway or I would not have sent down to the corner of Third and Main Streets to bribe Lockwood and then have gone down to see the job done. Think of it! The court may sentence me. If he does, I hope he will send me to the right place.

Not content with sending these fellows down to the corner of Main and Third and then over to Third and Los Angeles streets, I would have run down there on the street myself! Lord! And here are twelve jurors to pass on that—to pass on that! This court ought to adjourn until Monday morning and try this case with the insanity cases.

But to come back to Bain. These people connected with the District Attorney's office discovered that Franklin made a deposit of $1,000 on

October 6th, and of course, thinking that Franklin could not carry around $1,000 in his pocket very long, they concluded that I had given him a check on October 6th. Fine logic. And on this theory Franklin swore to it, that he came to my office and got a check and hustled off to the bank on October 6th—which was the first day, he said, that I ever spoke to him about Robert Bain, and the day that he saw Bain's wife the first time. He says the first time I ever talked to him about jury bribing was October 5th, the day before he hustled down to see Bain's wife. Remember the first time I spoke to him about jury bribing was October 5th, and that on the 6th I gave him a check for $1,000—I, a stranger in Los Angeles, a check on a Los Angeles bank to bribe a juror. Another case for the insanity court. Another lie. And at the same time, according to the only other truthful man in this case, besides Franklin, Harrington states that I had $10,000 in my pocket—at least I had it there the week before, and had been carrying it for a month. Why, I would not want to trust myself even with this jury with that $10,000 in my pocket, not in Los Angeles, unless I had the District Attorney with me, which I didn't have. Ten thousand dollars in my pocket! The evidence in this case snows that I never had a safety deposit vault in Los Angeles, and did not have the key to the vault, so I had to carry it in my pocket, and I carried it there for 20 days at least, possibly 30, until I showed it to John Harrington.

Now, if I am smart as Ford says I am—which I am not—he has got to lie one way or the other, so he made it too smart—but if I am anything near as smart as Ford says I am, and I had this ten thousand dollars in my pocket—suppose it had been one of you, gentlemen? Of course, you wouldn't do it, but suppose you would, then would you give him a check? Suppose you had gone to Chicago where you didn't know anybody, and had embarked in jury bribing and you had ten thousand dollars in your pocket to give to two jurors, would you have drawn a check for one? And yet this miserable mass of perjury is brought up here to this jury to take away the liberty of a man!

FORD REFUTED BY DATE ON CHECK

And what more, lo! and behold, when the check turns up, it was not given on October 6th, but on October 4th! Now what does Ford say? Ford could not possibly think anything was innocent to save his life. He has been connected with the District Attorney's office so long that I don't believe he could think his own mother was honest. He says I probably misdated that check purposely. Probably misdated it purposely! Where is the evidence? Does it come out of thin air, conjured by the

malice of his brain? Where is the evidence? Does Ford think you are children? Does he think in some mysterious way he has drawn together here from the county twelve children and placed them in charge of my liberty? He must. Misdated it purposely! Why should I have given any check at all? If I had taken thought to misdate it I would have given him cash, wouldn't I? Why, any child knows better. Ah, he says, you may have misdated it by accident. Yes, I may. A great many things may be in this world. Ford might tell the truth by accident. He might. But I wouldn't convict him of telling the truth on any evidence so uncertain as that.

What else does Franklin do? He goes to the bank and he draws $500. The bank cashier swears positively that he gave the money to him in fifties and hundreds. The bank cashier swore that the gave him fifty and hundred dollar bills, and yet, Franklin gave only twenty dollar bills to the Bains—every dollar he left there was in twenties. Now, gentlemen, this does not rest on the bank cashier's testimony alone. There comes out of their own mouths a bit of corroboration, which shows perfectly that the bank cashier was right. Mr. Franklin puts $500 in his pocket and rushes off to see—not Mrs. Bain—she was out, so he runs over to see one of the neighbor's wives and leaves his card. Here is a detective for your life! Why, he has got Sherlock Holmes faded. He has got Burns beaten forty ways. He is going to bribe a juror, and he goes over and sees this juror's neighbor's wife, and asks her to tell Bain to call him up at his office. No wonder he used Main Street for his field of operation. And you, gentlemen, are expected to stand for it. No, I am to stand for it. All you do is to return the verdict; I stand for it. Ford tells you that you do not have to do anything but return a verdict. Now, what do you suppose he said that for? Did he want to take from the minds of this jury the responsibility involved in their verdict? Gentlemen, I don't ask for any mercy at your hands. I want a fair deal. I am going to get it. But no man has a right to take from any jurors the responsibility that they bear to the case they are judging, and tell them that they are to hold a man's life in their keeping without thought. If you think I deserve conviction, then convict me, but do it with your own eyes open and your minds clear.

Now, here is a fellow that goes down to bribe Bain, and he doesn't talk with Mr. Bain, but goes to a neighbor. And later he goes back to the house and does not find Bob at home, so he talks with Bob's wife. If Bob's wife had not been at home, he would have talked with the dog. If the dog had not been there, he would have talked with the cat. He

was out after jurors, it is a wonder he didn't send a letter. So he goes back to Mrs. Bain. Mrs. Bain asked him to subscribe for the Examiner so she could get a premium, and Franklin subscribed. He wrote his name, and Mrs. Bain said, "Is that all?" Franklin said, "No, you want the money, don't you?" And then he said, "Can you change a fifty or a hundred?" That is what Mrs. Bain said, and it is no doubt true. Franklin said to her, "Can you change a fifty or can you change a hundred?"—one or the other. He had come right straight from the bank where the teller swears he gave him five hundred dollars in one hundreds and fifties, and Mrs. Bain said that he asked her to change a fifty or a hundred. So if the bank teller needs any corroboration, here it comes from the mouth of Mrs. Bain, that he did get fifties and hundreds. If he had gotten one twenty dollar bill in the bunch, wouldn't he have asked her to change a twenty? He finally pulled out his wallet and managed to find some small change, Mrs. Bain says. And he went back that night and saw Robert Bain and gave him $400, every penny in twenty dollar bills.

Now, gentlemen, there it is. A man is presumed to be honest and not a criminal, and a jury presumed to be sensible and fair, and to understand the responsibility involved in passing on the liberty of a fellowman. Now tell me, did he get these twenties from me or through any check of mine? The bank teller says no, and Mrs. Bain says no. Where did he get these twenties? I cannot tell. That money did not come from the bank on my check, and there is no way on earth to figure that it did, and if I didn't furnish the money, where did it come from? Whose hand working out here in the darkness, unknown to me and unknown to the other attorneys—whose hand was it that stretched out in the night and was working my ruin? Of all the cases upon which a grand jury ever acted, the Bain case is the silliest. Gentlemen, there isn't a chance in ten thousand that I could have been guilty in the Bain case. Not a chance in ten thousand. Here comes Robert Bain on the witness stand, he has immunity, and he will assume that he tells the truth. I will tell you why I took him on the jury:

AGE BRINGS KINDLIER JUDGMENTS

Bain told us he had belonged to the first Labor Union ever organized in Los Angeles. His hair was white, and somehow, as we get along in years, we think more of the few years that are left than do the young. So, especially in a murder case, when I find a man with white hair, I know he will be as tender and kind and careful of his brother's life as he is of his own. We know as we grow in age and experience—we understand more

and more what great influence circumstances have upon our lives, and how near alike are all men after all is said and done; and we grow kindlier in our judgments, more charitable to our fellow man than we were when filled with hot blood and the intemperate passions of youth. So Bain was taken on the jury. Franklin said he was a good man for the jury.

Franklin was consulted in the case of every juror, as Davis and I testified, and as naturally would be the case. And what did Bain tell Franklin? You remember the story. He says that when Franklin gave him the money, he told Franklin that if he found the evidence against McNamara convincing, he would render a verdict of guilty, didn't he? He told Franklin that if the evidence convinced him he would vote guilty. He said he would not have voted guilty anyhow unless the evidence was convincing. Now, here is the man himself to whom they have given immunity, and who is here in some mysterious way to testify against me, and he says that he told Franklin then that if the evidence was convincing he would find my client guilty, and yet Franklin thrust $400 onto him, when he swears he got from me and told me about it. Gentlemen, do you believe it? Isn't it the stuff that dreams are made of? Do you believe it? Bribe this man with $400 when he was not bribed at all, when he told Franklin that if the evidence was convincing he would find my client guilty!

And that is not all, after he got into the jury room and stayed there with his fellows day after day—of course, you know the jury is instructed that they must not talk with their fellows about the case, must not form any opinion—of course, you know they do not. I know they do. I have lived in courts for 35 years. Well, Bain told a juror in that jury room that if he stayed on the jury the ——— — ——— would get what was coming to them; that is the evidence of witness Webb. Fredericks spent longer in cross examining Webb than he did any other witness but could not stir him. Webb's evidence remained unshaken.

Gentlemen, it is simply insanity to talk about the Bain case. First the check was given before the bribery was ever spoken of. Second, Franklin got no money from that check to give to Bain. Third, Franklin went to the neighbor's wife, and to Bain's wife and they called at his office. Fourth, Bain was not bribed at all, and fifth, Bain says himself that he would have found my client guilty after he got in the jury room. And yet, after all this, I am guilty of bribing Bain!

I have told you my story. I have told you of all these matters as simply and as plainly as I could. Ford said that I lied, that I quibbled, that I hesitated. Now, I do not blame anybody for making any argument

that is fair and useful to his end. I will just touch on the matter for a moment, and you do the rest. Ford went on the stand. Who quibbled the most, he or I? Do you remember? Why, he is so shifty that he could not admit to this jury that he knew Oscar Lawler was the prosecutor specially retained by the United States Government. He quibbled and lied and hedged upon the simplest question until this Court said, "The Court will take judicial notice of that fact." Ford tells you that I quibbled and hesitated and lied and had my attorneys make objections. He has a right to argue that I lied, because I contradicted Franklin, and I would not question his right to argue that for a minute, but did I quibble or hesitate? He asked me questions for four long days, gentlemen. Did they bother me? Did I hesitate? Did I quibble? I took pains to understand his questions. I was not going to let him trick me into the penitentiary by not understanding the devious workings of his devious head. I was going to say "mind," but I changed it for "head." I threw myself open to him and there was not a question that I did not answer the best I could. Perhaps every answer I made was not correct, but I thought it was. Now, I will take one of you men—and I am not as smart as Ford, as I can prove by Ford—I can take any one of you men and cross examine you four days and I will catch you somewhere, I think. But anyhow I threw myself open and they questioned me to their heart's content. I leave it to you whether my answers were frank and honest and fair and prompt or whether they were not.

NINE DETECTIVES AND NINE INFORMERS

Now, gentlemen, having cleared away these other matters, let us see what there is in the Lockwood case. Lockwood! I am to go to the penitentiary because Franklin gave White $4,000 at the corner of Main and Third streets to be held for Lockwood. White transferred it on the corner of Los Angeles and Third about nine o'clock in the morning of the 28th day of November. These other things we have considered were thrown in here to prove it, so as to help out in some way the two witnesses whom Mr. Rogers has so well pointed out as the only witnesses against me. They thought that by giving you quantity you might forget the quality of their testimony.

Now, they have marshalled here to condemn me nine detectives and nine informers; and nobody's liberty in any English-speaking country was ever taken away on evidence like that. These men clothed with the power of the law, with the opportunity to reach out their processes through the length and the breadth of the land, have said to John Har-

rington, "Unless you bear testimony against Darrow you must go to the penitentiary yourself." These men hold Franklin by the throat and tell him that he will go to the penitentiary unless he testifies. He needn't testify against any Los Angeles man; it is only Darrow they want. These men reach out to Cooney, to Fitzpatrick, to Behm, to Bain, to Mrs. Bain, to anybody whom they can intimidate and frighten, to whom the doors of the penitentiary look grimmer and harder than they do to me.

Why, gentlemen, I don't want to go, but when Harrington told me, as he admits he did, that all would be forgiven if I told him where Schmidt or Caplan was—do you suppose I would purchase my life at the expense of the life of my fellowman, no matter if that fellowman was a criminal? I am not his judge. Only the infinite God can judge the human heart, and I never tried to judge. I never would do it, and hope I never shall, and when Harrington told me that if I would furnish evidence against Sam Gompers in their wild crusade to destroy the trades unions, so that men and women might toil longer for less reward, do you suppose I thought or hesitated or waited to draw my breath for a single moment? I had no information to give, but I had as much as Franklin or Harrington had. I could have told them any story that I saw fit. I could have purchased my liberty at the price of my honor, and then Ford would have said that I was a noble man, and that the fellow I was betraying was a Judas Iscariot. Lord! what a mind he has, and what a heart he has, and what a conscience he has! Would a man hesitate? No, and because I did not I am pilloried here before this jury and before the world as a criminal.

Gentlemen, there is one thing I can say in favor of Franklin; by comparison, Harrington has made a gentleman out of him. Anybody is a gentleman compared with Harrington. Perhaps you think I am especially bitter against Harrington, but I don't believe in bitterness—as some of you may have suspicioned this afternoon. I have always tried to curb it, all my life. I don't blame Harrington, and I don't blame Ford. Nobody is responsible for the shape of his brain; it conforms to the skull, which is made of bone, and no one can help the shape of his head. You may not believe it, but there is not a man on this jury that cannot go back through the years and see how the smallest circumstances have affected the whole course of his life, circumstances entirely beyond him and outside his control. And a circumstance that might affect you might not affect me. Some have a large brain, some have a small one, some have a symmetrical brain, and some an unsymmetrical brain. We are no more responsible for the shape of our brains than we are for the shape of our faces. I know this as a matter of philosophy. I know Harrington is not to blame for

being a coward. I know God made him a coward, and he cannot help it, and I have spoken of him with this view in my mind all the way along. I would not harm him. Talk to this jury about my moral responsibility for crime! I defy any living man to say where, either by speech or word of pen I have advised anything cruel in my life.

I would have walked from Chicago across the Rocky Mountains and over the long dreary desert to lay my hand upon the shoulder of J. B. McNamara and tell him not to place dynamite in the Times building. All my life I have counselled gentleness, kindness and forgiveness to every human being, and, gentlemen, at the same time, even speaking for my own liberty, I do not retreat one inch or one iota from what I really believe as to this. You were told about the horrors of the Times explosion by Mr. Ford. Why? So that some of the horrors of that terrible accident might be reflected upon me to get me into the penitentiary.

Now, gentlemen, let me tell you honestly what I think about that. It hasn't anything to do with this case, excepting as they dragged it in here to prejudice the minds of this jury and to argue that this man should not have been defended by me. Do you suppose I am going to judge J. B. McNamara? I know him. Do you know anything about criminals? Did you ever see a man who committed a crime? I take back nothing of what I have ever said or written or known upon that subject. Men who are called criminals are like you and like me, and like all other men. They may do this thing wrong and they may do ten thousand things right. I never saw a case where a wife or a mother or a father or a brother or a sister or a husband or a friend didn't plead for the "criminal" that he or she knew, and point out to the Governor and those charged with mercy ten thousand good things in his life and in his character that would commend him to mercy, while his enemies were telling only the wrongs he had done. I know that the same feelings lurk in the brain and heart of every man. I am not responsible for J. B. McNamara's brain; I am not responsible for his devotion to a cause, even though it carries him too far.

Let me tell you something, gentlemen, which I know District Attorney Fredericks will use in his argument against me, and which I have no reason to feel will meet with favor in the minds of you twelve men, but it is what I believe. I will just take a chance.

SOCIAL CRIMES—THEIR CAUSE AND REMEDY

Did you ever think of the other side of this question? Lincoln Steffens was right in saying that this was a social crime. That does not mean that it should have been committed, but it means this, that it grew

out of a condition of society for which McNamara was in no wise responsible. There was a fierce conflict in this city, exciting the minds of thousands of people, some poor, some weak, some irresponsible, some doing wrong on the side of the powerful as well as upon the side of the poor. It inflamed their minds—and this thing happened. Let me tell you, gentlemen, and I will tell you the truth, you may hang these men to the highest tree, you may hang everybody suspected, you may send me to the penitentiary if you will, you may convict the fifty-four men indicted in Indianapolis; but until you go down to fundamental causes, these things will happen over and over again. They will come as the earthquake comes. They will come as the hurricane that uproots the trees. They will come as the lightning comes to destroy the poisonous miasmas that fill the air. We as a people are responsible for these conditions, and we must look results squarely in the face.

And I want to say to you another thing in justice to that young man who was my client, and whom I risked my life, my liberty, and my reputation to save. He had nothing on earth to gain; his act was not inspired by love of money; he couldn't even get fame, for if he had succeeded he could never have told any human being as long as he lived. He had nothing to gain. He believed in a cause, and he risked his life in that cause. Whether rightly or wrongly, it makes no difference with the motives of the man. I would not have done it. You would not have done it, but judged in the light of his motives, which is the only way that man can be judged—and for that reason only the infinite God can judge a human being—judged in the light of his motives I cannot condemn the man, and I will not.

THE KINSHIP OF ALL MEN

I want to say more, when you know the man, no matter whom—I have known men charged with crime in all walks of life, burglars, bankers, murderers—when you come to touch them and meet them and know them, you feel the kinship between them and you. You feel that they are human; they love their mothers, their wives, their children; they love their fellow man. Why they did this thing or that thing remains the dark mystery of a clouded mind, which all the science of all the world has never yet been wise enough to solve. But this act of McNamara has again been brought before this jury that it may work upon your passions against me—for nothing else. None of the perpetrators of this deed was ever morally guilty of murder. Never. No one knows it better than the people who were prosecuting them. Sixteen sticks of dynamite were placed under a

corner of the Times building to damage the building, but not to destroy life, to intimidate, to injure property, and for no other reason. It was placed there wrongfully, criminally, if you will, but with no thought of harming human life. The explosion itself scarcely stopped the printing presses. Unfortunately, there was an accumulation of gas and other inflammable substances in the building which ignited, and the fire resulting destroyed these human lives.

Gentlemen, do you think my heart is less kind than Ford's? Do you think he would care more than I for the suffering of his fellowmen? Do you think for a moment that I did not feel sorry at the destruction of those lives, and for the wives and the children and the friends that were left behind? Wouldn't I feel it as much as he? And yet, gentlemen, this Times matter is paraded before this jury, in the hope that in some way it may awaken a prejudice in your hearts against me. Gentlemen, I wish in no way to modify anything I have ever said or thought upon this subject. There never was a man charged with crime that I was not sorry for; sorry for him and sorry for his crime; that I could not imagine the motives that moved his poor weak brain; and I tell you today as Mr. Steffens told you from the witness stand, there will come a time when crime will disappear, but that time will never come or be hastened by the building of jails and penitentiaries and scaffolds. It will only come by changing the conditions of life under which men live and suffer and die.

At 5 o'clock court adjourned for the day.

On the following morning, August 15th, Mr. Darrow resumed his argument to the jury:

GENTLEMEN of the jury, you cannot have listened here for three months and not have understood this case. No intelligent person could, and I know you do understand it. For the balance of my argument I shall confine my talk almost entirely to the main charge brought against me, and say no more about these outside issues, which mean nothing except an effort on the part of the State, cruel, unjust and unlawful, to prejudice you against me. The question which you are to decide here is this: Did I give Franklin four thousand dollars on the morning of the 28th of November to seek to bribe Lockwood? That is all there is to it. Now is Franklin's story true or is it a lie? If I am to be convicted it must be upon the story which Franklin tells and the evidence which he presents. It must be upon the story that on Monday morning, the 28th, he met me in my office, that I called up Job Harriman, who came there, and handed me the four thousnd dollars, which I then gave to Franklin, and told him to go down on the streets and bribe a juror. That is all there is of it. Now, what is the evidence on that? Job Harriman comes on the witness stand and swears there is not a single word of truth in it. Are you going to say that he is a perjurer? Mr. Ford says that he believes it. But where in this record is there any evidence, or any indication that Job Harriman committed perjury and was guilty of bribery?

Next, Frank Wolfe testifies that I came down with him on the street car that morning, that he went with me to my office, that we discussed the political campaign and other matters, until I was called up on the phone and said that I was going to Job Harriman's political headquarters, and that I went out with him. Who is Frank Wolfe? A man who was managing editor of the Herald for years. A man who has held important newspaper positions for twenty years, and who is now one of the editors of the

Municipal paper in this city—a man upon whose countenance truth is stamped as plainly as upon any man who lives. Is he a liar? A perjurer? For what? He is not charged with bribery, and he is not interested in this case. Are you likely to throw away the evidence of Frank Wolfe, and replace it with the lies of Franklin? I will guarantee, gentlemen, that your observation would lead you to trust me before you would trust Franklin, if my word stood alone. I believe you would take my word if it stood alone against every one of these informers and crooks and immunity hunters.

Maybe, we are all liars, gentlemen, perhaps everybody in this case lied but Franklin, as Ford said. Perhaps Wolfe lied. Perhaps with their two grand juries and their Burns outfit and their Erectors' Association the have raked and scraped this fair county and this fair city; perhaps they have gone out into the broad world from here to New York and found only two honest men, Franklin and Harrington, and all the rest of us are liars, but I don't think you will believe it.

Franklin, you remember, first tried to fasten his crime upon Lockwood. Then within a week we find him telling Joe Musgrave that he would "slip it to someone else." He might not have thought then whom but he found out later—when Ford told him "We want Darrow. "Next, within another week, Franklin had a hearing before a Justice of the Peace, and he tells four newspaper men, White, Bernard, Willard and Jones, all of whom appeared here; he tells them not simply that Lockwood lied when he said my name was mentioned, but that I was an innocent man, and that he would not stand still and keep his lips sealed and see an innocent man accused. Ford says that Franklin admits these statements. He did not. Ford knows he did not. Franklin said on the stand here he never made those statements. Why did Ford misquote the evidence? Lord, how short the memory of a bloodhound is when he scents human blood!

FRANKLIN'S TESTIMONY REFUTED

Let me call your attention to the testimony. There is my friend Willard who came to the witness stand. He represents the Associated

Press. Mr. Ford asked him, "Did you write what Franklin told you in your story?" Willard answered, "I think I did." "Are you sure?" "I think so, but it was a long time ago." Then Ford said, "You go back and find your story, and I will recall you for cross-examination"—and he never recalled him; never.

And here was Jones, who represents the Tribune. Did Franklin admit that he told Jones what Jones testified to? He denied it, and he lied about it. And what did Ford say? Why, you remember Harry Jones on the stand. Ford asked him, "Did you publish that statement in your paper?" "I think so, I think I wrote it, but it might have been cut out; I don't know whether it was published." Ford asks, "Are you sure?" "Yes." "Bring your paper into Court, and let's see." And Jones came in with his report and read it to this jury, after Franklin had sworn that he had never said such a thing in the world. He told it to White, he told it to Bernard, both newspaper men. He told it to Nicholson who sat here day after day writing for the Examiner. Five of them, everyone and everyone are liars.

What next? This is a talkative man, this man Franklin, especially when you get him around the Waldorf saloon. He met Frank Dominguez and George Drain along in the latter part of December or the first of January, and he told them unqualifiedly and without equivocation that I never gave him a dishonest dollar in my life; and then he came on the witness stand and denied it, saying that he had no such conversation. Again on the third day of February, two weeks after he had gone before the Grand Jury, and more than a week after he had made this statement to Oscar Lawler, he again met Frank Dominguez, and he reiterated the statement which he made after this confession that I had given him no money for bribery. And he met his friend George Hood, the lodge member who asked him, "Why didn't you take that money and put it in your pocket?" and "Did Darrow give it to you?" He told Hood that Darrow did not give it to him, and that the reason he did not put it in his pocket was because the man who gave it to him was watching him when he passed it, and that man was a stranger to him, and did not live in this city. That

is the reason he did not steal the four thousand dollars; that is the way he excused himself to his friend Hood for not being a thief. That is an excuse that men often make, that something is nailed down and they cannot steal it. That prevents a lot of stealing in this world.

Then along about the 12th of January, Franklin went to Attorney Tom Johnston, whom he supposed was close to the District Attorney. What did he say to Johnston?

Gentlemen, I do not know whether you have had much to do with lawyers or not. You probably have more money if you have not; I am not saying anything about that; but if any of you get into trouble, you generally tell your lawyer the truth. And good men do get into trouble now and then, and bad men stay out of trouble now and then. You can't tell whether a man is good or bad because he gets into trouble or stays out. But if you do get into trouble, you tell your lawyer the truth, just as you tell your doctor the truth.

What did Franklin tell Johnston of the 12th day of January? He told him that I had never given him a cent of money for bribery, never. He told him that the bribe money was given to him by someone else, and he told him that I never knew anything about it. Now are you going to convict me on Franklin's word, when that is the statement which he made to his lawyer in confidence? It is unthinkable. Johnston may be a liar —may be, but you don't believe it. And Johnston goes to Mr. Ford and he comes back to Franklin and reports: "That won't do, nothing will do but to make a statement against Darrow." And what does Franklin reply? He says to Johnston, "If I made a statement against Darrow I would be a God damn liar." Now, Franklin said in January that if he made a statement against me he would be a blankety blank liar. In May he makes that statement. What is he? What is he? I will not characterize him, he has characterized himself, and I hope the wonderful District Attorney's office got its money's worth when it bribed him with liberty to make his statement against me. Then Franklin meets Davis and me, Davis having called me to his office on the 14th, two days later, and according to Davis and me, Franklin told us then together that Johnston had

come to him, reporting that he had been to the District Attorney's office and telling him if he would turn up evidence against me he need not say a word about anybody in Los Angeles, that I was the one they were after; and Franklin replied, "I could not do it, I have no evidence against you, I could not do it," Maybe Davis and I are liars. Ford says I have corrupted Davis. Maybe I have. Maybe I have corrupted everybody I have met, excepting Ford. But it takes some evidence to show that, doesn't it? Davis, a man of standing amd high character in the city where he has lived and practiced law. He is a liar, and Franklin is telling the truth!

Suppose we took a change of venue and tried this case before twelve Bushmen in Africa, do you suppose they would stick me? Do you suppose that you could find a man who would take a club and knock me on the head if a jury did find me guilty on the evidence of Franklin?

Well, Franklin is still talking. A man named Warner came to him to get employment in August or Spetember, and he patted his jury list which was lying on his desk and said, "I am going to win this case right here; there is an angle to this case that the lawyers know nothing about." Is the witness Warner a liar? How do you know it? Franklin swears he is. He swears everybody lies excepting himself, and that he is a liar too, not only a liar, but a blankety blank liar, that is what Franklin says, not what I say. But he is an emphatic man and he describes himself stronger than I would care to describe him.

But he kept on talking, and he went down to the beach, to Venice, and saw a policeman, Peter Pirotte. He asks if Pirotte would like to go in business with him at Venice and open a detective office. Pirotte says, "You have been in trouble, and I don't think it would be a good idea." Franklin replies, "Oh, I will get out of that all right in a few days; they don't want me, they want Darrow." And Pirotte reports this conversation to my friend William Cavanaugh, and then Ford says, "Why didn't you put Cavanaugh on the stand?" Is he my friend? Have you any doubt what he would have said if he had been on the witness stand? The reason I didn't ask Cavanaugh to be a witness was because I knew they would

claim he was testifying for me on account of our close friendship, and the District Attorney knows that is the reason.

TO REACH GOMPERS THROUGH DARROW

And Pirotte sees Franklin again after the plea of guilty. He sees him with Watt. The meeting is purely accidental, as both Watt and Pirotte testified, I having no more knowledge of it than the man in the moon. Watt, however, is my friend, and as honorable a man as any who has come before you in all the weary weeks you have sat listening to this case. You cannot look at Watt's face and doubt it, not for a moment—a man who for six years has been City Clerk for the town of Venice, a man of character and standing. Franklin met them and took lunch with them. There was a political campaign at Venice. Franklin was talking freely because he wanted to get this agency down at the beach, and when Watt told him that he had heard of his trouble, Franklin said, "That is all right, it is over now. I pleaded guilty in the Bain case, and they are holding the Lockwood case over my head to make me come through against Darrow." To make him come through against me! And they talked more about it, and Franklin said I had never given him dishonest money.

Now, Ford asks, "How could Franklin say that after he pleaded guilty?" Why he was saying only what he had said all the while. He might have said it from force of habit. He might have said it because he was drinking and didn't think to lie. He might have said it because even in Franklin the truth naturally comes to one's lips first, and afterward he caught himself up and said, "Oh, I must not talk about this case." Then Watt came and told me of this interview as he testified here. And he sought another meeting with Franklin, this time in company with Steineman. Steineman is a man I have never seen in my life, as he testified, except that I had been once introduced to him. Steineman owns the Decatur Hotel and was a director of a bank. He is a man of standing and character. How does he compare with Franklin? And Franklin told Watt and Steineman together that the money to bribe Lockwood came from someone else, from outside parties, and that I never knew a single thing

about it. He added that I would not be tried anyway because I was pining away and would die pretty quick. Well, I will, and I thought some of the time as this trial dragged out its weary way with fool questions and immaterial issues, I thought I would perhaps die before we got through, but I am here still and hope to be here some little time after this jury pronounces its judgment on me.

Now at this meeting Franklin told Watt and Steineman that the reason they wanted to get me was because I knew something about Gompers, and that if I would say something against Gompers, they would let me go as they had let him go. Wonderful! Isn't it? Did he say it? Are Steineman and Watt liars? Are you satisfied that they are liars and that Franklin tells the truth—when he has admitted that he is a blankety blank liar himself? Now, gentlemen, if you would not be satisfied by this, you would not be satisfied though one should rise from the dead. You would not be satisfied if an angel with a flaming sword should appear and testify that it so happened. I would be absolutely helpless in the hands of my enemies if an array of testimony like this could not satisfy twelve impartial men—you whom I know are not yearning for my blood, you whom I know I have never harmed in this world—and I hope that I have harmed very few.

Now, think of the impudence, gentlemen, to ask you to believe a man as weak as he is, and impeached as he is, and upon such testimony to send a man to the penitentiary. But that is not all. Franklin swears that he came up to my office on the morning of the 28th of November and told me that he was going down to Third and Main to bribe Lockwood. He says Job Harriman came up with an overcoat on his arm after I had telephoned to him, though Job swears he came direct from his house that morning, and I could not have telephoned him. But what is the use? Job is a liar. I would need Franklin to prove anything in this case, and I cannot get him because I do not happen right now to have the key to the penitentiary; if I did I could have him. The District Attorney's office has the key.

Franklin says Harriman came up there and I stepped into another room and got a roll of bills containing four thousand dollars from him, and then I handed the money to Franklin, and I said in effect, "Now, little boy,

take this roll in your hand and trot down to the corner of Third and Main, as near my office as you can; trot down to Third and Main and buy a juror at 9 o'clock in the morning." It is as if one of you would give your boy a penny and would say, "Go down to the grocery and buy some candy." And he takes it in his hand. Of course when he took that Bain five hundred in his hand there was a hundred got away between the bank and Bain. He says he doesn't know where it went. Maybe the Waldorf saloon could give some information. I don't know. But anyway, he held this four thousand dollars in his hand so that none of it could get away, and he trotted down the hall, down the elevator, and down the street, holding it in his hand, to bribe a juror on a Monday morning, on a busy street corner. And the cautious White says, "I don't know whether it is wise to pass this on the corner; shouldn't we go into the saloon?" And they went into the saloon, and then probably White had lost his caution, and went over to Third and Los Angeles, and passed over five hundred dollars of the four thousand. He must have taken some bitters that robbed him of his caution. And Franklin goes down with him, not on one street, but two streets.

Franklin leaves me, he says, about 20 minutes before 9. He was trotting down, going rapidly, so quickly that he did not stop to put the money in his pocket. I stayed in my office for about twenty minutes, and lo! and behold, I appeared down at the corner of Main and Third Streets within half a block of my office. Now, Ford tells this jury what he knows is not true, and what he does not believe, that I went down to watch Franklin pass the money. What about it, gentlemen, are you all crazy or am I dreaming? I did not suppose this panel was served in a lunatic asylum. Did I go down to watch him pass the money? He said I waited twenty minutes and was not there until it was all over, but why go at all? Gentlemen, there is none of you can imagine that you would commit any crime or wrongful act, but suppose you could imagine it? Supposing I had known that Franklin was going to pass four thousand dollars to a prospective juror on the corner of Main and Third Streets, do you think I would have been within ten blocks of that place at that time?

FRANKLIN'S EXPLANATION

Why, the fact that I was there proves as conclusively as human reason could prove anything that I had absolutely no knowledge of the plot. Ford says I am smart, whatever that means. At least I have never been adjudged insane, and I have never yet been in a home for the feeble minded. I do not need to be very smart. Do you suppose any man who knows enough to come in out of the rain, let alone a man who has practiced law for thirty-five years with fair success, would have gone down there at that time if there were any other highway anywhere else in Los Angeles county? They know it, and for some mysterious reason, they have sidetracked Franklin's explanation of my appearance there, which was better than theirs. Why does Franklin say I was there? He tells Watt and Steineman that I must have got word from Brown, their detective, and went there to help Franklin. He said that if I hadn't happened to appear at that inopportune moment, he would have had Lockwood arrested. He admitted that on the stand. He wasn't looking for me. He knew I wouldn't be there. His theory was that Sam Brown or someone in the District Attorney's office had given this thing away to me, and that I had gone down there to save him. What does he testify? Why, that I walked up toward him and said something to him. Ford asked him, "What?" He replied: "I am not sure what Darrow said, I think he said 'they are onto you.' "

Is there any single syllable of evidence in this case that anybody ever gave me a warning, or that I knew anything about the matter? According to the theory of the State, nobody knew anything about it but Fredericks and a few detectives. And God knows you can trust detectives—you have got to, because you must take away people's liberty on the evidence of detectives.

And then they called three wonderful witnesses here to impeach Hawley, the witness who testified that he telephoned to me on that morning to meet him at Job Harriman's headquarters. Look at this "impeachment" of Hawley. Even if he were a dishonest man he might call me on the telephone, I take it, because the telephone companies are not particular, and are willing to rent their service to liars as well as to honest people

—even Franklin used the telephone. But they sought to impeach Hawley, and they brought three witnesses, one of them a man who held a political office with him and who had trouble with him; another who wasn't satisfied because he didn't get his commission in a real estate trade and had sued and pursued him; a third who had another business transaction with him, and didn't get his money—and there you are.

Gentlemen, I have practiced law a good many years, and this is the first time in my life that I have ever known of a lawyer seeking to impeach the integrity of a man by men who have had personal difficulties with him. Did any of you ever have any trouble with anybody? Can there be a man on this jury who has not had difficulty with three or four men who would be willing to speak ill of him and injure him if it came their way? If you haven't made three or four enemies, gentlemen, you have lived a very weak and useless life. A man who can go through life as far as you twelve men have gone, and not make three or four enemies, is not worth while. You had better begin on me, so you will have something to your credit before you get through.

TIME NOT MEASURED BY THE CLOCK

To halt a minute for fear I might forget something. Mr. Ford figured on five minutes here and five minutes there, two minutes there and two minutes here, so that Hawley could not have telephoned to me Does a man need to waste his breath on talk like that where human liberty is involved—whether he walked a block and a half in five minutes, or in three minutes or four minutes? Does any man know? Does Ford know? And yet he would figure it up and roll it under his tongue as if the destiny of the universe were hanging on a minute or a minute and a half Does he think we have twelve fools here? I wonder what he thinks. Whether Hawley waited fifteen minutes or five minutes is of no account. I have waited for a man three minutes when I was in a hurry and it seemed an hour. But I have lingered in some places an hour and it seemed a few minutes. There is nothing so deceptive as time; it depends on how you feel. I think I have lived a thousand years in the last year. It seems

as if it is longer than all the rest of my lifetime put together, with the weight that has been on me. No, you can't measure time that way, the measure of time depends upon something else, it depends on the emotions, whether they are pleasant, or unpleasant, whether they are serious, whether you are in haste—upon a thousand things. It does not depend on the hands of the clock. It is childish to tell this jury that Hawley lies, and that I am a briber on the turn of the second hand of the clock. Away with it! You gentlemen are not bribed to send me to the penitentiary or to keep me out. If you are bribed to send me take a big one, and don't send me on such flyspecks as that.

And then I come up to the street and meet Sam Browne of the District Attorney's office, my mind full of the settlement in the McNamara case, with the weight of these men's lives on my shoulders, wondering what all the trouble down on Main street was about, and I asked Browne what it was about. Was it an honest question and an honest exclamation, when I said, "It was horrible, I would not have had it happen for anything in the world?" Did it sound like guilt, or sound like innocence? I will tell you It depended on the ears that heard it. To a man looking for guilt, and with a pair of ears for that purpose; to a man not believing in his fellowman, it sounded like guilt; to a man not suspicious, it would sound like innocence—that is all. Some men are suspicious and cruel in their judgment, other men are broad and trusting, and kind and charitable to all who live. When you judge the acts of other men, you tell about yourself, that is all there is to it. When I tell you what kind of a man I think some person is, you get an index of my mind. It may be the furtherest away in the world from the man I am talking about, but you know what I am, and that is all there is to it.

I don't know the exact words that Browne said to me or that I said to Browne, neither does he. But Ford pretends to peddle to you the exact words. I was not there measuring words, nor was he. When we met at that time, I thought a great calamity had overtaken us by the arrest of Franklin. You don't know what you would have said in a case like that. I don't. I will venture to say there isn't any two men on this jury that would have said the same thing, guilty or innocent.

And so, about Franklin's bail bond, this evidence that I had furnished ten thousand dollars at the request of LeCompte Davis. Davis came to me and told me that he thought Franklin was innocent, and he advised me to give him the money, and said he would make good if Franklin ran away. Would you have done it? Lord, I hope you would have done it. If you would not, you would not have been men. I would not want to be tried before twelve men who would not, or be prosecuted by one man who would not. I have no doubt in the world but what Fredericks would have done it. Any man with any feeling in his heart would have done it, and I did it at Davis' request; I had not seen Franklin. In one breath Fords tells you it was suspicious because I did not do more, in another it was suspicious because I did so much. Which is it? Did I do too much, or did I do too little? True, some of the time when I feared Franklin, I thought of myself, but that was later, not until after the McNamara case was settled. Before that I had no time to think of myself and no inclination to do so. But when I wondered and thought what I ought to do, I did not know, I could not tell. Do you suppose there ever was a time when I seriously thought of it, in my long experience, that I did not know what it would mean to have Franklin offered immunity at my expense? And yet I never asked for anything in the matter. I never gave him a dollar in that long time, or asked him for a statement or for a word which I doubtless could have got. I never raised my hand with him to save myself any more than I have with anybody else since this case began, or since my life began—and I did too much here, and too little there—away with it! Can you sit here, you twelve men, to pass upon my guilt or my innocence and tell me the words I should have spoken or should not have spoken? If you can, you are endowed with the wisdom and omniscience of the Almighty, and I am willing to be judged by that now and hereafter. Now, again, gentlemen, in passing judgment on me, you pass judgment upon yourself—that is all there is to it. If you are so kindly, if you are human, if you are decent, if you love your fellowman, if you believe in him, you will find me innocent; if you feel malicious, if you feel suspicious, if you look upon me as guilty, then find me guilty, I cannot put it any better than that.

Now, as to Franklin, it is not a question as to whether his testimony is corroborated, but is it worth anything? Is there a single one of you gentlemen who would condemn your dog upon his word? Is there one of you who would condemn the meanest reptile that crawls upon the word of Franklin as shown by the testimony in this case? Did he lie when he testified here? Did he lie when he said that he had not thought anything about immunity, but knew that he would get it automatically? Did he lie when he said he was promised nothing?

I have said about all I care to about Franklin. I have said enough, I have said too much. I have no feeling against him, he is the way God made him. He can't help it any more than you can help being you, or I can help being I. It was a hard choice he had to make; it is a hard choice for a weak man, to offer him honor or comparative honor on the one hand, and security at least from the penitentiary on the other. Some men will take one, some will take the other; it depends on the man; he is not responsible for his brain or his skull. I don't want anybody to think that I would judge him with hardness or bitterness. I have never judged any human being that way in my life, I never shall. I am only asking you, gentlemen of the jury, to consider the reasonableness and the probabilities and the improbabilities and the absurdities of his story—nothing else.

Would I take a chance of that kind surrounded by detectives from the beginning to the end. Leave out the moral question. Leave out the tradition of a profession that I have followed for thirty-five years. Leave out everything except the bare chance; would I take that chance with these gumshoe men everywhere, their yes on everyone connected with this case—detectives—nine of them testifying in this case—detectives over the town as thick as lice in Egypt, detectives everywhere.?

Detectives to the right of me,
Detectives to the left of me,
Detectives behind me,
Sleuthing and spying.
Theirs not to question why—
Theirs but to sleuth and lie—
Noble detectives!

I hadn't a chance with those fellows. Yet, I did take a chance, I took the chance of being alive where they were, as every man does, unless he could rely on twelve men to judge him honestly and kindly and carefully, as I feel I can rely on you.

Now let me talk a little about Harrington. Do I need to say much about him—a man who came here to work for me, a man who lived in my house, who ate with me and with my wife, who slept under my roof, and who stayed for ten days as our guest—and all the while he was going before Lawler and the Grand Jury and testifying against me? Against me! Great God! Do I need to impeach him? A man sleeping in your house, eating at your table with yourself and your wife, and betraying you! Is there any crime more heinous than that? Would you ever want to look upon Harrington's face again—the man who sat in this courtroom day after day and would not look me in the eye—afraid of being hypnotized? If I started out to hypnotize Harrington I would want a hunk of corned beef; you would have to get him through his stomach. Did he look at you? Did he look one juror in the eye? Will he ever look a human being in the eye again until he goes down to his unhallowed grave?

THE DICTAGRAPH TRAP

And then, gentlemen, think of that man plotting in Chicago with the Erectors' Association—my friend, and asking me for money—meeting these men in a hotel in Chicago, and putting up a scheme to trap me into a hotel room, where a dictagraph hidden behind a bureau could record my words. They knew perfectly well then, as they know today, that they could not pick out twelve human beings on the face of the earth that would throw away the liberty of a man upon the testimony of Harrington and Franklin, and so they thought to trap me where the hidden dictagraph might be made to distort my words. Is there any doubt about that? And Harrington, posing as my friend, came here to lure me into a room where he could secretely record and distort my conversation, in order to land me in the penitentiary!

Gentlemen, where is there a parallel for that in the annals of criminal

trials? Let's think of it a moment. Wouldn't it be better that every rogue and rascal in the world should go unpunished, than to say that detectives could put a dictagraph into your parlor, in your dining room, in your bedroom, and destroy that privacy which alone makes life worth living? What would you think of it, one of you men, if your hired man should conceal a dictagraph in your home or your office, and seek to destroy you in that way? And do you want to tell me that the Erectors' Association that would be guilty of a shame like this, whould not be guilty of plotting my ruin, and charging me with a bribery for which they themselves were responsible? I want to say this, that if they deliberately put up a job to catch me on the streets of Los Angeles, that job was a sacrament compared with the hidden dictagraph used to trap a man into the penitentiary They used to have a steer down in the stock yards in Chicago, where Harrington came from, that had been educated; they had educated this steer to the business of climping an incline to the shambles. There was a little door on the side so that the steer could dart down through this door and not get caught in the shambles, and his business was to go out in the pen, and lead the other steers up that incline to the shambles, and then just before they reached the place he would dodge down through the door, and leave the rest to their destruction, that is Harrington.

If there is a man on earth who would give credit to Harrington in this matter, I would like to look in the face of that man, and I would find he was not a man—that is all. Better, I say again, that all the crimes that men could commit should go unpunished than that credit should be given to a scheme like that which was plotted in the Sherman House by Harrington, Lawler and the Erectors' Association. But what did they get from their infamy? Nothing. I went to Harrington's room where the dictagraph was hidden behind the bureau and talked with him in a friendly way day after day; but evidently the stenographers in the next room who recorded my language were too honest to distort it And when I went on the witness stand, Ford asked me if I said this and that while the dictagraph was listening. And all the time they had in their wonderful tin box the full record of my conversation—in that tin box which contains

more infamy than any other box in the world—more infamy and less evidence.

More infamy and less evidence—infamy practised by the District Attorney's office. And they did not show this infamy to this jury They did not dare to show it. Would these dictagraph reports have shown that I told the truth on the stand or that Harrington told the truth? Then they had the effrontery to argue to you that they asked me all they wanted to prove—and my denial of practical every single thing they asked stands unimpeached and you know it. They asked directly if I did not admit to having received ten thousand dollars in bills from San Francisco. I said, "No." Where is the wonderful tin box? Where are the listening dictagraph operators? Would they have testified for me or for Harrington?

Of course they had to have somebody to help Franklin, and so they threatened Harrington. They placed a charge against him, and threatened him with the penitentiary unless he did something for them, and so Harrington comes to the stand, and he lies, and he lies, and he lies, and you twelve men know it] What did he say? There are some links that need filling. Nobody has discovered a single penny that I have spent unlawfully. They have had access to every check I drew. They even photographed the checks in the bank before the bank gave them to me. They have had access to everything I did, and found what? Nothing. A check was given to Mr. Tveitmoe for a perfectly lawful purpose—it was just as necessary to have money in San Francisco as it was to have money here—and they seized upon that check early in the game. And Harrington tells the story; look at it a minute. This man, this Harrington—out of respect for "men" I cut out that word—this Harrington; when there is anything to connect, Harrington does it He found out that a check had been given to Tveitmoe. How did he find it out? Why he found it out from a detective. He found it out from the Indianapolis Grand Jury. He found it out from Burns. He found it out in ten thousand ways You cannot tell how. He found out that such a check had been given to Tveitmoe, and he comes on the witness stand and says that I showed him ten thousand dollars in bills on the front porch of my house. Let us

see if anybody would believe this story, even if a man told it. He swears that some time between the 20th and 30th of September I drew out of my pocket at my house, where he was eating—he never missed a chance to eat with me; I presume he would eat with me now, if I gave him the chance, and have a dagger somewhere concealed in his clothes, if there was room enough for it after he got through eating. And he swears that I went out on the porch of a house standing upon a hill, the porch brilliantly lighted and houses all around, and with Mrs. Dxrrow and his daughter out in the yard in front, and that I pulled out ten thousand dollars from my trousers pocket that I had been carrying for twenty or thirty days, and showed it to him and told him that I was going to get a couple of jurors with it. Now, is there any sense in that? Any reason in it? Could anybody believe it if it stood alone and uncontradicted in this case—and if a man had sworn to it, instead of Harrington?

And on the morning of the 28th of November, when I came back from Harrington's room where he was alone, I called him into my room and said, "If Franklin speaks I am ruined." And that was all. Now think of it. He must have been reading Burns' stories or Nick Carter's. "If Franklin speaks I am ruined." If I said that, just take a chance and send me to the penitentiary, take a chance. There you are. That is the wonderful corroboration of the most wonderful case that I believe has been tried since men had the right to jury trial.

TESTIMONY OF CROOKS AND INFORMERS

Franklin says that he had never seen Harrington more than three times in his life, but Mrs. Hartenstein, the stenographer who occupied the room between us, swore that they met each other daily. The other stenographer across the hall who went in often to take dictation, swore that she had seen them together at least two dozen times. Mr. Russel swears that he had seen Harrington and Franklin together fifteen or twenty tines. Is he a liar? I don't know about that. But Harrington is worse. Was Harrington a liar when he lured me to the Hayward Hotel to destroy me with the dictagraph trap? Can there be twelve honest men anywhere in Christendom who would believe him?

Gentlemen, show me, in all their watching and their spying—show me with all the money they have spent, with all the efforts of the strong and the powerful to get me—show me in all these long weary months, where one honest man has raised his voice to testify against me. Just one. Just one. And are you ready, gentlemen, is this day and generation, to take away the name and the liberty of a human being upon the testimony of rogues, informers, crooks, vagabonds, immunity hunters and detectives —such testimony as has been massed against me? God, if my word and my character do not weigh more than all the trash that has been presented to this jury, I don't want to live. I don't want to live in a world where such men could cause the undoing of an American citizen. If they could, are you safe, am I safe? Is there any man who is so high and powerful that his life and his liberty would be safe? You know better, it cannot happen, and it won't happen.

And what else about Harrington. He is contradicted by the four witnesses I told you of. He is contradicted by Fremont Older, who came all the way from San Francisco to tell his story, and he told it straight and truthfully. He is my friend Ford says he is a liar because he is my friend. I would rather go to the penitentiary and stay there the rest of my life with the friendship of a man like that, than to purchase my liberty by betraying my fellowmen.

Now, let him go; I want to talk to you about one more phase of this case, and the clock's minute hand is moving along as fast as Joe Ford said it was while Hawley was going from his office to Job Harriman's—so I have no time to loiter.

Was there any reason in the world for me seeking to bribe a juror on the 28th day of November? There are two things in this case that are not even disputed. One is that the dictagraph contained nothing in the world to my detriment: here was the place they would have evidence if there was any honest evidence in the world: they needed it or they would not have taken the trouble to do such an infamous act. There is another fact in this case that stands out so clear that every human being who has heard it must know it and understand it, and that is that the McNamara

case was disposed of so far as I was concerned prior to the 28th day of November Fredericks has said before this jury that he was going to send out for some of these people who formed the committee that made the settlement. Did you see them? He brought Tom Gibbon before you for a few minutes one day, and after talking with him, he sent him off on his business, and we haven't seen Mr. Gibbon since. Neither he nor Harry Chandler, nor any member of that committee has denied a single word of Steffens' testimony that the case was practically settled prior to the 28th.

Now, gentlemen, perhaps most of you don't believe in all the philosophy which Lincoln Steffens believes in. What of it? Suppose some evening when you are in your jury room, and you, being instructed not to talk about this case, get into an argument among yourselves about matters of philosophy, and the old question of free will and necessity crops up. I wonder if you will all agree, and if you don't, will you say that the man who disagrees with you is a liar, because he has a different philosophy? You won't, not unless your own philosophy is very poor. Suppose you start a little discussion on politics or religion, or who is the best baseball player in America, as you have before now, will you agree? Not at all, and there may not be one man on this jury who would believe as Lincoln Steffens believes as to what we call crime, and what is punishment, and what are social crimes, and what are not. But he is a big man with a broad vision, a man who sees further than most men.

WORLD MOVES TOWARD MERCY

Gentlemen, because you don't believe a thing today is no sign that it is not true. There are dreams, and the dreams of today become facts tomorrow. Every effort towards humanizing the world, every effort in dealing with crime and punishment has been toward charity and mercy and better conditions, and has been in the direction of showing that all men are at least partly good, and all men are partly bad, and that there isn't so much difference in men as we had been taught to believe. Every effort that will last beyond the day and the year must have a humane idea, must have for its purpose the uplifting of man, must have its basis

in charity and pity and humanity, or else it cannot live. Lincoln Steffens believes that, you believe it, too. You may not believe this way or that, but it is aspiration that has raised man from the savage drinking the blood of his fellow from his skull, and has led him up through trials and toil and tribulation by which he has arrived at the place where he can have mercy and charity and justice and can look forward to an ideal time when there will be no crime and no punishment, no sin, no sorrow, and when man will visit no cruelty upon his fellowmen.

Almost everything that you believe now was scouted at and hissed, scarcely a hundred years ago. Most acts of humanity that we practice today would have been despised and denied two hundred years ago. The world is moving, and as it moves brutality is further off, and humanity is nearer at hand. I don't care for Steffens' views; it is facts that I am interested in.

Was my practice humane in this case? Among the other heinous charges that Mr. Ford saw fit to bring against me was that I had betrayed my clients—I, who had almost given my life's blood in their service—I, who never had a client in my life that I didn't consider my friend—I, who under the traditions of the profession, and under the feelings of my heart have put myself in the place of every client that I ever served—I, who worked day and night to save those lives that fate had placed in my hands, and who had bared my breast to the hostility of the world to serve them! I betrayed them! Gentlemen, I wish you knew, I wish I could make you understand. I didn't need to do it I was not on trial then. I was living in peace. It was nothing to me except that I made thier case my own. And what happened? It was as if I were a boy walking upon the sand by the sea and the sky was clear above me, excepting here and there a fleeting cloud, as there always is in every clear sky; the waves were calm and peaceful, and in a moment the heavens fell and the ocean overwhelmed me. If it shall be written in the book of Fate that I have not made sacrifice enough for them, well and good, let me drink the cup to the dregs.

Did I think the McNamara case was disposed of? Is there any question but what we began the settlement of that case on the 20th of November? Mr. Ford said I knew these people were guilty from the beginning. Where is the evidence? I did not. I have practiced law for many a year. I do not go to a client and say, "Are you guilty, are you innocent?" I

would not say it to you. Every man on earth is both guilty and innocent. I know it. You may not know it; I know it. I find a man in trouble. In a way his troubles may have come by his own fault. In a way they did not. He did not give himself birth He did not make his own brain. He is not responsible for his ideas. He is the product of all the generations that have gone before. And he is the product of all the people who touch him directly or indirectly through his life, and he is as he is, and the responsibility rests on the infinite God that made him. I do what I can for him, kindly, carefully, as fairly as I can, and do not call him a guilty wretch.

I had no knowledge whatever about the McNamaras until it was borne in on me day by day that this man I knew who trusted everything to me could not be saved if he went to trial. Just as the doctor finds that his patient must die, so it came to me that this client was in deadly peril of his life. Do you think that if I had thought there was one chance in a thousand to save him I would not have taken that chance? You may say I should not. That if I believed he was guilty I should not have tried to save him. You may say so; I do not. If this man had suffered death it would have brought more hatred and violence, more wrong and crime than anything else; for, after all, gentlemen, the source of everything is the human heart. You can change man by changing his heart. You can change him by changing his point of view of life. You cannot change him by scaring him, by putting him in the pen, by violence and cruelty. If you look on him as a doctor looks on his patient, and ascertain the cause of his conduct, then you may change him. These acts of violence will occur over and over and over again until the human race is wise enough to bring more justice and more equality to the affairs of life than has ever obtained before.

THE MEN WHO BUILT CIVILIZATION

And let me tell you about these acts that grow from social conflict. The men who stand for the workers strike out in their blindness. True they strike out in the night and often wrongly. These men who built the civilization which we enjoy; these men who have built the railroad bed and laid the tracks, and who man the locomotives when you and I ride peacefully across the country in Pullman cars; these men who go ten, twenty and thirty stories in the air to the top of the high buildings, taking their lives in thier hands, and whose mangled remains are so often found on the earth beneath—these are the men who have built our civilization, and let me say to you that every step in the progress of the race, every

step the world has taken has been for the elevation of the poor. There is no civilization without it—there can be no civilization without it The progress of the world means the raising of these through organization, through treating them better, through treating them kindlier, through treating them more justly. Every step in civilization means the elevation of the poor, means helping the weak and the oppressed, and don't ever let yourself think that though these people often do wrong, that though they are blind, rebellious and riotous, that after all they are not doing their part and more in the progress of the world. I knew it, I felt it then. I knew that though terrible were the consequences of this blind act, consequences which nobody foresaw, still it was one of those inevitable acts, which are a part of a great industrial war. I believe that the loss of life was an accident. Nobody meant to take human life in the Times disaster and the position of the State in the settlement of the matter showed that nobody meant to take human life I heard these men talk of their brothers, of their mothers, of the dead; I saw their human side. I wanted to save them, and I did what I could to save them, and I did it as honestly and devotedly and unselfishly as I ever did an act in my life, and I have nothing to regret however hard it has been. Gradually it came to me that a trial could not succeed. Gradually another thing came to me. It was expensive—the money of the Erectors' Association, of the State of California, the power of the Burns Agency, everything was against us. It needed money on our side, and a great deal of it. It needed money that must be taken from the wages of men who toil—men whose cause I have always served, and whether they are all faithful to me or not, the cause, that I will serve to the end. I could not say to them that my clients would be convicted. I could not say to the thousands who believed in them, and who believed in me, that the case was hopeless. The secrets that I had gained were locked in my breast, and I had to act—act with the men whom I had chosen to act with me. I had to take the responsibility, grave as it was, and I took it.

Was this case disposed of before Franklin was arrested? Why, gentlemen, there is no more question about that than there is that you twelve men are in front of me. Lincoln Steffens testified that on the 20th day of November after he and I came from San Diego, he made the proposition for a stetlement to me. The idea grew out of a conversation we had with Mr. Scripps, and I said I wished it could be done, but I said, "If anything is done it must come from you." On that very day he went to Meyer Lissner and Thomas Gibbon. At first, I had so little confidence in the possibility of a settlement that I scarcely thought about it for a day or two, but soon

Mr Steffens brought back reports which gave me the confidence to wire my friend Mr. Older, and ask his advice.

All the leading men connected with the labor movement on this coast were then at Atlanta. I could not get to them. I had to take the responsibility, and the other lawyers had to take it with me. What else could we do? I could not consider politics. I could not consider my own interests. I had to consider those accused men, nothing else, and there isn't one of you twelve men who would ever hire a lawyer who you didn't believe would consider your interests first of all—and if he did not he wouldn't be true to his profession, or true to his own manhood. Those things alone could I consider. I wired on Wednesday, the 22nd; I wired to Fremont Older and I wired to Gompers to send me a man at once, and I named certain men; and Mr. Older came down here on Wednesday morning. Now is that all a lie? Did I wire to these men on that day? If so, why?

Ford says I might have got up all this scheme, so as to cover up a case of jury bribing. Well, I might—I might. Sometime his bitter heart might be touched by feelings of kindness and charity, it might—if the days of miracles had not passed. And so I might have got up this elaborate scheme, because I foresaw that I was going to give Franklin four thousand dollars on the next Tuesday morning and start him off with the money to bribe a juror. Why, gentlemen, I might have done it—and therefore you will argue, says Ford, that I did. And this in a civilized country, at least, presumed to be.

THE McNAMARA SETTLEMENT

Older and Davis and Steffens and I met together. Was I betraying my clients? Davis spoke up and said to me, "Mr. Darrow, you can't afford to do it." Judge McNutt was there; he was as fine a man as ever lived in the world, as loyal to me as any friend I have ever known, as true to his profession, and as true to the higher ideals of manhood as any man I have ever met.

Davis said, "You will be misunderstood by Union Labor." I told him I had no right to consider myself. I had no right no consider the men who furnished the money. My duty was over there in the county jail with those two men, whose lives depended upon my courage and my fidelity and my judgment. Whatever befell me I must be true to them, and no lawyer lives who is true to his profession and true to himself who ever hesitates in an emergency like that.

McNutt at once agreed with me. Davis went to the District Attorney

—and this is uncontradicted. The first proposition that came from Lissner and Steffens was that J. B. McNamara should plead guilty and that all other prosecutions should stop. Davis then went over to the District Attorney, and brought back word that it would require a term of years at least for J. J. McNamara. That was discussed on Wednesday on Wednesday, November 22nd, between Older and Davis and Steffens and myself. And Judge McNutt is dead, dead, says Mr. Ford. I couldn't help it. If the Angel of Death hovering around the court room had come and asked my advice, I would propably have told him "Take Ford, and spare McNutt," but he didn't. I cannot help it because the Angel of Death made a mistake.

This matter was considered on Wednesday. Steffens said that he would see that the original proposition went through, and he went back to Chandler, the manager of the Times. Chandler was meeting with Steffens, and then word came from the East—from the East—from the seat of money and power and wealth and monopoly; word came that it was not enough to take J. B., but that J. J. must plead guilty to something; and we worked on that. We worked on it the rest of the week, and Steffens swears that he went and interviewed these defendants. Each brother was willing to suffer himself, but J. J. didn't want his brother to be hanged, and J. B. didn't want J. J. to plead guilty to anything. J. B. agreed to plead guilty and take a life sentence, and J. J. said to us that after his brother's case was out of the way he would plead guilty and take a ten years' sentence. Ford said that I should have told J. B. that J. J. was to plead guilty. Why? I was defending J. B., and it was my business to get the best terms I could for him. I was also defending J. J., and it was my business to get the best terms I could for him. I had no right to play either one against the other—no right, let alone what a man would naturally do. Now, that was the condition, going back and forth before Saturday. We had agreed to accept the District Attorney's terms if no better terms could be had. On Saturday, when that jury list was drawn it was not handed over to Franklin for him to look up the missing names; it was kept until night, until he himself called to me for it, and I gave it to him. There was nothing else to do. In the face of the world, and in the face of our employe, we were bound to go on as we had. On Sunday, Steffens, McNut and I spent most of the day at the jail, where, finally, each of the brothers separately agreed with our plan. On Sunday night McNutt called Davis to his house and told him that the McNamaras had agreed to our plan.

Now, gentlemen, what is there against all that, anything but the

breath of counsel? Nothing! The testimony as to the settlement of the McNamara case stands here clear as sunlight. On Monday morning, Mr. Davis went to Fredericks and Fredericks agreed that he would accept the pleas of guilty—J. B. to take life and J. J. ten years. Now, what about it, gentlemen? Is all this a lie? Is it another dream? Why even Franklin doesn't testify against this. If they had got Franklin and Harrington to contradict it, then they might argue that I had some motive on the 28th of November for seeking to bribe a juror. But nobody testifies against it. Fredericks doesn't deny it, Chandler doesn't deny it, nor Lissner nor Gibbon. There is no denial.

In the meantime I had received a telegram from Ed. Nockles on Friday, and in reply I wired him to come on immediately. Was that dispatch a fake? Was it sent to cover up a case of jury bribing at the beginning of the next week? On Monday every one of the parties interested had formerly agreed to the plan of settlement. We had agreed to it on Sunday. We had agreed to it on Saturday, but we were still trying to do better if we could. Davis had told us that the settlement must be made at once. And with this condition of affairs, when I had no thought whatever that the McNamara case would be tried, is it likely that on Tuesday morning, I would take four thousand dollars, not of my own money, but of money that was sorely needed, and not only waste that money, but take a chance of the destruction of my life and a term of years in the penitentiary, by sending Franklin down on the corner of Third and Main streets to bribe a juror?

Gentlemen, if you can believe it, I do not know what your minds are made of. If there is anybody whose prejudice and hatred are so deep that they cannot be removed, who can believe a think like that, I would like to search him with an X-ray, look inside of his skull and see how the wheels go round.

The settlement of the McNamara case cost me many friends, friends that have been coming back slowly, very slowly, as more and more this matter is understood. I am not a fool. I can prove that by Ford. I knew I was losing friends. Was I saving myself? Can any man on this jury or any person point to a single place in this whole matter, where I ever sought to save myself? Was I trying to save myself when Steffens came to me after Franklin's arrest and asked if the settlement could still be made, and I said it could, and then he turned to me and said, "Some one may think that some of you lawyers are connected with this Franklin matter," and I said to him promptly, "If anybody has suspicions of anything like that, you tell them for me that this matter is never to be in any

way considered in disposing of the McNamara case. Let the law take its course in that." And have I ever haggled or bargained or sought to throw myself into the balance anywhere? I was thinking of my clients, not of myself.

You may pursue me with all the infamy and venom you wish, but I know, I know in my inmost heart that in all the sacrifices and responsibilities I have taken in my life, I never made one so hard as this, gentlemen. With the eyes of the world upon me, knowing that my actions would call down the doubt, and in many cases, the condemnation of my friends, I never hesitated for the fraction of a second. Perhaps if I had hesitated my flesh would have been too weak to have taken the responsibility. But I took it, and here I am, gentlemen, and I am not now trying to get rid of the responsibility. Was it wise or unwise? Was it right or wrong? You might have done differently, I don't know.

I have been a busy man. I have never had to look for clients, they have come to me. I have been a general attorney of a big railroad, I have been the attorney several different times, and general counsel, as it were, of the great City of Chicago. I have represented the strong and the weak—but never the strong against the weak. I have been called into a great many cases for labor unions. I have been called into a great many arbitration cases. I believe if you went to my native town, that the rich would tell you that they could trust not only my honor, but my judgment, and my sense of justice and fairness. More than once have they left their disputes with the laboring men with me to settle, and I have settled them as justly as I could, without giving the working man as much as he ought to have It will be many and many a long year before he will get all he ought to have. That must be reached step by step. But every step means more in the progress of the world.

SOCIETY IN OPEN RUPTURE

This McNamara case came like a thunderclap upon the world. What was it? A building had been destroyed, and twenty lives had been lost It shocked the world. Whether it was destroyed by accident or by violence no one knew, and yet everyone had an opinion. How did they form that opinion? Everybody who sympathized with the corporations believed it was dynamite; everyone who sympathized with the workingman believed it was something else. All had opinions. Society was in open rupture; upon the one hand all the powerful forces thought, now we have these men by the throat, and we will strangle them to death; now we will reach out the strong arm of money and the strong arm of the law, and w

will destroy the labor unions of America. On the other hand were the weak, and the poor, and the workers whom I had served; these were rallying to the defense of the unions and to the defense of their homes. They called on me. I did not want to go. I urged them to take someone else, but I had to lay aside my own preferences and take the case. There was a direct cleavage in society. Upon the one hand, those who hated unions, upon the other, those who loved them. The fight was growing fiercer and bitterer day by day. It was a class struggle, gentlemen of the jury, filled with all the venom and bitterness born of a class struggle. These two great contending armies were meeting in almost mortal combat. No one could see the end.

I have loved peace all my life. I have taught it all my life. I believe that love does more than hatred. I believe that both sides have gone about the settlement of these difficulties in the wrong way. The acts of the one have caused the acts of the other, and I blame neither. Men are not perfect; they had an imperfect origin, and they are imperfect today, and the long struggle of the human race from darkness to comparative civilization has been filled with clash and discord and murder and war, and violence and wrong, and it will be, for years and years to come. But ever we are going onward and upward toward the sunshine, where the hatred and war and cruelty and violence of the world will disappear.

Men were arrayed here in two great forces—the rich and the poor. None could see the end. They were trying to cure hate with hate.

I know I could have tried the McNamara case, and that a large class of the working people of America would honestly have believed, if these men had been hanged, that they were not guilty. I could have done this and have saved myself. I could have made money had I done this—if I had wanted to get money in that way. I know if you had hanged these men and other men, you would have changed the opinion of scarcely a man in America, and you would have settled in the hearts of a great mass of men a hatred so deep, so profound, that it would never die away.

And I took the responsibility, gentlemen. Maybe I did wrong, but I took it, and the matter was disposed of and the question set at rest. Here and there I got praise for what was called an heroic act, although I did not deserve the praise, for I followed the law of my being—that was all. I acted out the instincts that were within me. I acted according to the teachings of the parents who reared me, and according to the life I had lived. I did not deserve praise, but where I got one word of praise, I got a thousand words of blame! and I have stood under that for nearly a year.

This trial has helped clear up the McNamara case. It will all finally be cleared up, if not in time for me to profit by it, in time for my descendants to know. Some time we will know the truth. But I have gone on about my way as I always have regardless of this, without explanation, without begging, without asking anything of anybody who lived, and I will go on that way to the end. I know the mob. In one way I love it, in another way I despise it. I know the unreasoning, unthinking mass. I have lived with men and worked with them. I have been their idol and I have been cast down and trampled beneath their feet. I have tood on the pinnacle and I have heard the cheering mob sound my praises; and I have gone down to the depths of the valley, where I have heard them hiss my name—this same mob—but I have summoned such devotion and such courage as God has given me, and I have gone on—gone on my path unmoved by their hisses or their cheers.

PRAISE AND BLAME ARE UNJUST

I have tried to live my life and to live it as I see it, regarding neither praise nor blame, both of which are unjust. No man is judged rightly by his fellowmen. Some look upon him as an idol, and forgot that his feet are clay, as are the feet of every man. Others look upon him as a devil and can see no good in him at all. Neither is true. I have known this, and I have tried to follow my conscience and my duty the best I could and to do it faithfully; and here I am today in the hands of you twelve men who will one day say to your children, and they will say to their children, that you passed on my fate.

Gentlemen, there is not much more to say. You may not agree with all my views of philosophy. I believe we are all in the hands of destiny, and if it is written in the book of destiny that I shall go the to penitentiary that you twelve men before me shall send me there, I will go. If it is written that I am now down to the depths and that you twelve men shall liberate me, then, so it will be. We go here and there, and we think we control our destinies and our lives, but above us, and beyond us, and around us are unseen hands and unseen forces that move us at their will.

I am here and I can look back to the forces that brought me here and I can see that I had nothing whatever to do with it, and could no help it, any more than any of you twelve men had to do with or could help passing on my fate. There is not one of you that would have wished to judge me, unless you could do it a in way to help me in my sore distress—I know that. We have little to do with ourselves.

As one poet has expressed it,

Life is a game of whist. From unknown sources
The cards are shuffled and the hands are dealt.
Blind are our efforts to control the forces
That though unseen are no less strongly felt.
I do not like the way the cards are shuffled,
But still I like the game and want to play
And through the long, long night, I play unruffled
The cards I get until the break of day.

I have taken the cards as they came; I have played the best I could; I have tried to play them honestly, manfully, doing for myself and for my fellow the best I could, and I will play the game to the end, whatever that end may be.

Gentlemen, I came to this city a stranger. Misfortune has beset me, but I never saw a place in my life with greater warmth and kindness and love than Los Angeles. Here to a stranger have come hands to help me, hearts to beat with mine, words of sympathy to encourage and cheer, and though a stranger to you twelve men and a stranger to this city, I am willing to leave my case with you. I know my life, I know what I have done. My life has not been perfect; it has been human, too human. I have felt the heart beats of every man who lived. I have tried to be the friend of every man who lived. I have tried to help in the world. I have not had malice in my heart. I have had love for my fellowmen. I have done the best I could. There are some people who know it. There are some who do not believe it. There are people who regard my name as a byword and a reproach, more for the good I have done than for the evil.

There are people who would destroy me. There are people who would lift up their hands to crush me down. I have enemies powerful and strong. There are honest men who misunderstand me and doubt me; and still I have lived a long time on earth, and I have friends—I have friends in my old home who have gathered around to tell you as best they could of the life I have lived. I have friends who have come to me here to help me in my sore distress. I have friends throughout the length and breadth of the land, and these are the poor and the weak and the helpless, to whose cause I have given voice. If you should convict me, there will be people to applaud the act. But if in your judgment and your wisdom and your humanity, you believe me innocent, and return a verdict of not guilty in this case, I know that from thousands and tens of thousands and yea, perhaps millions of the weak and the poor and the helpless throughout the world will come thanks to this jury for saving my liberty and my name.

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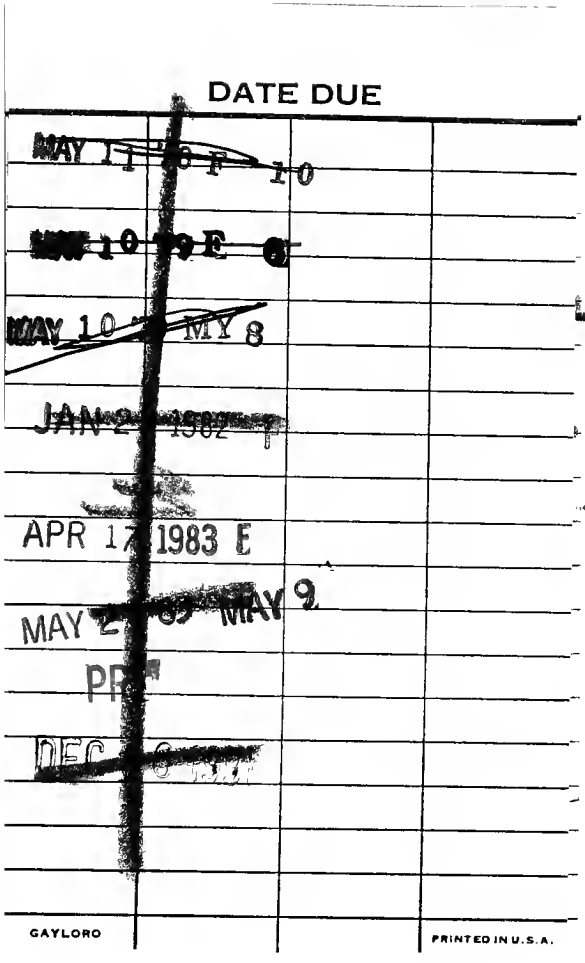

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CRIME
ITS CAUSE AND TREATMENT

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ITS CAUSE AND TREATMENT

BY

CLARENCE DARROW

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PREFACE

This book comes from the reflections and experience of more than forty years spent in court. Aside from the practice of my profession, the topics I have treated are such as have always held my interest and inspired a taste for books that discuss the human machine with its manifestations and the causes of its varied activity. I have endeavored to present the latest scientific thought and investigation bearing upon the question of human conduct. I do not pretend to be an original investigator, nor an authority on biology, psychology or philosophy. I have simply been a student giving the subject such attention as I could during a fairly busy life. No doubt some of the scientific conclusions stated are still debatable and may finally be rejected. The scientific mind holds opinions tentatively and is always ready to reexamine, modify or discard as new evidence comes to light.

Naturally in a book of this sort there are many references to the human mind and its activities. In most books, whether scientific or not, the mind has generally been more closely associated with the brain than any other portion of the body. As a rule I have assumed that this view of mind and

brain is correct. Often I have referred to it as a matter of course. I am aware that the latest investigations seem to establish the mind more as a function of the nervous system and the vital organs than of the brain. Whether the brain is like a telephone exchange and is only concerned with automatically receiving and sending out messages to the different parts of the body, or whether it registers impressions and compares them and is the seat of consciousness and thought, is not important in this discussion. Whatever mind may be, or through whatever part of the human system it may function, can make no difference in the conclusions I have reached.

The physical origin of such abnormalities of the mind as are called " criminal " is a comparatively new idea. The whole subject has long been dealt with from the standpoint of metaphysics. Man has slowly banished chance from the material world and left behavior alone outside the realm of cause and effect. It has not been long since insanity was treated as a moral defect. It is now universally accepted as a functional defect of the human structure in its relation to environment.

My main effort is to show that the laws that control human behavior are as fixed and certain as those that control the physical world. In fact, that the manifestations of the mind and the actions of men are a part of the physical world.

I am fully aware that this book will be regarded as a plea or an apology for the criminal. To hold him morally blameless could be nothing else. Still if man's actions are governed by natural law, the sooner it is recognized and understood, the sooner will sane treatment be adopted in dealing with crime. The sooner too will sensible and humane remedies be found for the treatment and cure of this most perplexing and painful manifestation of human behavior. I have tried conscientiously to understand the manifold actions of men and if I have to some degree succeeded, then to that extent I have explained and excused. I am convinced that if we were all-wise and all-understanding, we could not condemn.

I have not thought it best to encumber the book with references and foot-notes, for the reason that statistics and opinions on this subject are conflicting and imperfect, and the results after all must rest on a broad scientific understanding of life and the laws that control human action. Although the conclusions arrived at are in variance with popular opinions and long-settled practice, I am convinced that they are old truths and are in keeping with the best thought of the time.

I am aware that scientifically the words "crime" and "criminal" should not be used. These words are associated with the idea of uncaused and voluntary actions. The whole field is a part of human

behavior and should not be separated from the other manifestations of life. I have retained the words because they have a popular significance which is easy to follow.

CLARENCE DARROW.

Chicago, August 1, 1922.

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CRIME
ITS CAUSE AND TREATMENT

I

WHAT IS CRIME ?

THERE can be no sane discussion of " crime " and " criminals " without an investigation of the meaning of the words. A large majority of men, even among the educated, speak of a " criminal " as if the word had a clearly defined meaning and as if men were divided by a plain and distinct line into the criminal and the virtuous. As a matter of fact, there is no such division, and from the nature of things, there never can be such a line.

Strictly speaking, a crime is an act forbidden by the law of the land, and one which is considered sufficiently serious to warrant providing penalties for its commission. It does not necessarily follow that this act is either good or bad; the punishment follows for the violation of the law and not necessarily for any moral transgression. No doubt most of the things forbidden by the penal code are such as are injurious to the organized society of the time and place, and are usually of such a character as for a long period of time, and in most

countries, have been classed as criminal. But even then it does not always follow that the violator of the law is not a person of higher type than the majority who are directly and indirectly responsible for the law.

It is apparent that a thing is not necessarily bad because it is forbidden by the law. Legislators are forever repealing and abolishing criminal statutes, and organized society is constantly ignoring laws, until they fall into disuse and die. The laws against witchcraft, the long line of "blue laws," the laws affecting religious beliefs and many social customs, are well-known examples of legal and innocent acts which legislatures and courts have once made criminal. Not only are criminal statutes always dying by repeal or repeated violation, but every time a legislature meets, it changes penalties for existing crimes and makes criminal certain acts that were not forbidden before.

Judging from the kind of men sent to the State legislatures and to Congress, the fact that certain things are forbidden does not mean that these things are necessarily evil; but rather, that politicians believe there is a demand for such legislation from the class of society that is most powerful in political action. No one who examines the question can be satisfied that a thing is intrinsically wrong because it is forbidden by a legislative body.

Other more or less popular opinions of the way to determine right or wrong are found to be no more satisfactory. Many believe that the question of whether an act is right or wrong is to be settled by a religious doctrine; but the difficulties are still greater in this direction. First of all, this involves a thorough and judicial inquiry into the merits of many, if not all, forms of religion, an investigation which has never been made, and from the nature of things cannot be made. The fact is, that one's religious opinions are settled long before he begins to investigate and quite by other processes than reason. Then, too, all religious precepts rest on interpretation, and even the things that seem the plainest have ever been subject to manifold and sometimes conflicting construction. Few if any religious commands can be, or ever were, implicitly relied on without interpretation. The command, "Thou shalt not kill," seems plain, but does even this furnish an infallible rule of conduct?

Of course this commandment could not be meant to forbid killing animals. Yet there are many people who believe that it does, or at least should. No Christian state makes it apply to men convicted of crime, or against killing in war, and yet a considerable minority has always held that both forms of killing violate the commandment. Neither can it be held to apply to accidental kill-

ings, or killings in self-defense, or in defense of property or family. Laws, too, provide all grades of punishment for different kinds of killing, from very light penalties up to death. Manifestly, then, the commandment must be interpreted, "Thou shalt not kill when it is wrong to kill," and therefore it furnishes no guide to conduct. As well say: "Thou shalt do nothing that is wrong." Religious doctrines do not and clearly cannot be adopted as the criminal code of a state.

In this uncertainty as to the basis of good and bad conduct, many appeal to "conscience" as the infallible guide. What is conscience? It manifestly is not a distinct faculty of the mind, and if it were, would it be more reliable than the other faculties? It has been often said that some divine power implanted conscience in every human being. Apart from the question of whether human beings are different in kind from other organisms, which will be discussed later, if conscience has been placed in man by a divine power, why have not all peoples been furnished with the same guide? There is no doubt that all men of any mentality have what is called a conscience; that is, a feeling that certain things are right, and certain other things are wrong. This conscience does not affect all the actions of life, but probably the ones which to them are the most important. It varies, however, with the individual. What reason has the

world to believe that conscience is a correct guide to right and wrong?

The origin of conscience is easily understood. One's conscience is formed as his habits are formed — by the time and place in which he lives; it grows with his teachings, his habits and beliefs. With most people it takes on the color of the community where they live. With some people the eating of pork would hurt their conscience; with others the eating of any meat; with some the eating of meat on Friday, and with others the playing of any game of chance for money, or the playing of any game on Sunday, or the drinking of intoxicating liquors. Conscience is purely a matter of environment, education and temperament, and is no more infallible than any habit or belief. Whether one should always follow his own conscience is another question, and cannot be confounded with the question as to whether conscience is an infallible guide to conduct.

Some seek to avoid the manifold difficulties of the problem by saying that a "criminal" is one who is "anti-social." But does this bring us nearer to the light? An anti-social person is one whose life is hostile to the organization or the society in which he lives; one who injures the peace, contentment, prosperity or well-being of his neighbors, or the political or social organization in which his life is cast.

In this sense many of the most venerated men of history have been criminals; their lives and teachings have been in greater or lesser conflict with the doctrines, habits and beliefs of the communities where they lived. From the nature of things the wise man and the idealist can never be contented with existing things, and their lives are a constant battle for change. If the anti-social individual should be punished, what of many of the profiteers and captains of industry who manipulate business and property for purely selfish ends? What of many of our great financiers who use every possible reform and conventional catch word as a means of affecting public opinion, so that they may control the resources of the earth and exploit their fellows for their own gain?

No two men have the same power of adaptation to the group, and it is quite plain that the ones who are the most servile and obedient to the opinions and life of the crowd are the greatest enemies to change and individuality. The fact is, none of the generally accepted theories of the basis of right and wrong has ever been the foundation of law or morals. The basis that the world has always followed, and perhaps always will accept, is not hard to find.

The criminal is the one who violates habits and customs of life, the " folk-ways " of the community where he lives. These customs and folk-

ways must be so important in the opinion of the community as to make their violation a serious affair. Such violation is considered evil regardless of whether the motives are selfish or unselfish, good or bad. The folk-ways have a certain validity and a certain right to respect, but no one who believes in change can deny that they are a hindrance as well as a good. Men did not arrive at moral ideas by a scientific or a religious investigation of good and bad, of right and wrong, of social or anti-social life.

Man lived before he wrote laws, and before he philosophized. He began living simply and automatically; he adopted various "taboos" which to him were omens of bad luck, and certain charms, incantations and the like, which made him immune from ill-fortune.

All sorts of objects, acts and phenomena have been the subjects of taboo, and just as numerous and weird have been the charms and amulets and ceremonies that saved him from the dangers that everywhere beset his way. The life of the primitive human being was a journey down a narrow path; outside were infinite dangers from which magic alone could make him safe.

All animal life automatically groups itself more or less closely into herds. Buffaloes, horses and wolves run in packs. Some of these groups are knit closely together like ants and bees, while the

units of others move much more widely apart. But whatever the group may be, its units must conform. If the wolf gets too far from the pack it suffers or dies; it matters not whether it be to the right or the left, behind or ahead, it must stay with the pack or be lost.

Men from the earliest time arranged themselves into groups; they traveled in a certain way; they established habits and customs and ways of life. These " folk-ways " were born long before human laws and were enforced more rigidly than the statutes of a later age. Slowly men embodied their " taboos," their incantations, their habits and customs into religions and statutes. A law was only a codification of a habit or custom that long ago was a part of the life of a people. The legislator never really makes the law; he simply writes in the books what has already become the rule of action by force of custom or opinion, or at least what he thinks has become a law.

One class of men has always been anxious to keep step with the crowd. The way is easier and the rewards more certain. Another class has been skeptical and resentful of the crowd. These men have refused to follow down the beaten path; they strayed into the wilderness seeking new and better ways. Sometimes others have followed and a shorter path was made. Often they have perished because they left the herd. In the sight of the

organized unit and the society of the time and place, the man who kept the path did right. The man who tried to make a new path and left the herd did wrong. In its last analysis, the criminal is the one who leaves the pack. He may lag behind or go in front, he may travel to the right or to the left, he may be better or worse, but his fate is the same.

The beaten path, however formed or however unscientific, has some right to exist. On the whole it has tended to preserve life, and it is the way of least resistance for the human race. On the other hand it is not the best, and the way has ever been made easier by those who have violated precepts and defied some of the concepts of the time. Both ways are right and both ways are wrong. The conflict between the two ways is as old as the human race.

Paths and customs and institutions are forever changing. So are ideas of right and wrong, and so, too, are statutes. The law, no doubt, makes it harder for customs and habits to be changed, for it adds to the inertia of the existing thing.

Is there, then, nothing in the basis of right and wrong that answers to the common conception of these words? There are some customs that have been forbidden longer and which, it seems, must necessarily be longer prohibited; but the origin of all is the same. A changing world has shown how

the most shocking crimes punished by the severest penalties have been taken from the calendar and no longer even bear the suspicion of wrong. Religious differences, witchcraft and sorcery have probably brought more severe punishments than any other acts; yet a change of habit and custom and belief has long since abolished all such crimes. So, too, crimes come and go with new ideals, new movements and conditions. The largest portion of our criminal code deals with the rights of property; yet nearly all of this is of comparatively modern growth. A new emotion may take possession of man which will result in the repeal of many if not all of these statutes, and place some other consideration above property, which seems to be the controlling emotion of today.

Crime, strictly speaking, is only such conduct or acts as are forbidden by the law and for which penalties are prescribed. The classification of the act does not necessarily have relation to moral conduct. This cannot be fixed by any exact standard. There is no straight clear line between the good and bad, the right and wrong. The general ways of determining good and bad conduct are of little value. The line between the two is always uncertain and shifting. And, in the last analysis, good or bad conduct rests upon the "folk-ways," the habits, beliefs and customs of a community. While this is the real basis of judging conduct, it

is always changing, and from the nature of things, if it could be made stable, it would mean that society was stratified and all hope of improvement dead.

II

PURPOSE OF PUNISHMENT

Neither the purpose nor the effect of punishment has ever been definitely agreed upon, even by its most strenuous advocates. So long as punishment persists it will be a subject of discussion and dispute. No doubt the idea of punishment originated in the feeling of resentment and hatred and vengeance that, to some extent at least, is incident to life. The dog is hit with a stick and turns and bites the stick. Animals repel attack and fight their enemies to death. The primitive man vented his hatred and vengeance on things animate and inanimate. In the tribes no injury was satisfied until some member of the offending tribe was killed. In more recent times family feuds have followed down the generations and were not forgotten until the last member of a family was destroyed. Biologically, anger and hatred follow fear and injury, and punishment follows these in turn. Individuals, communities and whole peoples hate and swear vengeance for an injury, real or fancied. Punishments, even to the extent of death, are inflicted where there can be no possible object except revenge. Whether

the victim is weak or strong, old or young, sane or insane, makes no difference; men and societies react to injury exactly as animals react.

That vengeance is the moving purpose of punishment is abundantly shown by the religious teachings that shape the ethical ideas of the Western world. The Old Testament abounds in the justification of vengeance. A few quotations amply show the Biblical approval of this doctrine:

Whoso sheddeth man's blood, by man shall his blood be shed. Genesis 9;6.
No expiation can be made for the land for the blood that is shed therein, but by the blood of him that shed it. Numbers 35;33.
Wherefore should the nations [Gentiles] say, Where is their [the Jews'] God? Let the avenging of the blood of thy servants which is shed, be known among the nations in our sight. Psalms 79;10.
The righteous shall rejoice when he seeth the vengeance; he shall wash his feet in the blood of the wicked; so that men shall say, Verily there is a reward for the righteous, verily there is a God that judgeth in the earth. Psalms 58;10.
And I [God] will execute vengeance in anger and wrath upon the nations which hearkened not. Micah 5;15.
All things are cleansed with blood, and apart from the shedding of blood there is no remission. Hebrews 9;22.
For we know him that said, Vengeance belongeth unto me. . . . It is a fearful thing to fall into the hands of the living God. Hebrews 10;30.

True it is often claimed that Jesus repudiated the doctrine of vengeance. The passage of 5th Matthew, 38-30 is often quoted in proof of this

assertion—"Ye have heard that it hath been said, an eye for an eye and a tooth for a tooth. But I say unto you, that ye resist not evil, but whosoever shall smite thee on thy right cheek, turn to him the other also." But the gospels and the other books of the New Testament show plainly that non-resistance was not laid down as a rule for the guidance of mankind, but only as a policy by one sect of the Jews and Christians to save themselves from the Romans. The reason for the doctrine was the belief that resistance was hopeless, and that God who had the power would in his own time visit on the oppressors the vengeance that the Jews and Christians were too weak to inflict. Jesus and the early Christians knew of no people beyond their immediate territory, and they did not appeal to mankind as a whole, or to future generations.

The early Christians believed in judging and in punishment as vengeance, the same as the Jews and other peoples believed in it. (See 13 Matthew 41-43, 23 Matthew 33, 25 Matthew 46.) They believed that the end of the world was at hand; that the coming of the Lord was imminent; that some of that generation would not taste death, and that God would punish sinners in his own time. The New Testament is replete with this doctrine, which was stated and elaborated in the so-called " Revelations of St. Peter."

Probably this document was composed about the year 150 A.D. and by the year 200 it was read as "Scripture" in some Christian communities. Subsequently it disappeared and was known only by name until a substantial fragment of the document was discovered at Akhmim in Egypt, in the year 1887. A portion of it represents a scene in which the disciples of Jesus ask him to show them the state of the righteous dead, in order that this knowledge may be used to encourage people to accept Christianity. The request is granted and the disciples are shown not only a vision of the delightful abodes of the righteous, but also a vivid picture of the punishments that are being meted out to the wicked. It is interesting to note how the punishments are devised to balance in truly retributive fashion the crimes mentioned. It is this type of tradition that furnished Dante and Milton the basis for their pictures of hell.

The following is the more interesting portion of this document:

> And the Lord showed me [Peter] a very great country outside of this world, exceeding bright with light, and the air there lighted with rays of the sun, and the earth itself blooming with unfading flowers and full of spices and plants, fair-flowering and incorruptible and bearing blessed fruit. And so great was the perfume that it was borne thence even unto us. And the dwellers in that place were clad in the raiment of shining angels and their raiment was like unto their country; and angels hovered about them there. And the glory of the dwellers there was equal, and

with one voice they sang praises alternately to the Lord God, rejoicing in that place. The Lord said to us, This is the place of your brethren the righteous.

And over against that place I saw another, exceedingly parched, and it was the place of punishment. And those who were being punished there and the angels who punished them wore dark raiment like the air of the place.

Certain persons there were hanging by the tongue. These were they who blaspheme the way of righteousness, and under them lay a fire whose flames tortured them.

Also there was a great lake full of flaming mire in which were certain men that pervert righteousness, and tormenting angels afflicted them.

And there were also others, women, hanged by their hair over that mire that flamed up, and these were they who adorned themselves for adultery. And the men who mingled with them in the defilement of adultery, were hanging by the feet with their heads in that mire, and they exclaimed in a loud voice: We did not believe that we should come to this place.

And I saw the murderers and their accomplices cast into a certain narrow place full of evil snakes where these evil beasts smote them while they turned to and fro in that punishment, and worms like great black clouds afflicted them. And the souls of those who had been murdered said, as they stood and looked upon the punishment of their murderers, O God, just is thy judgment.

And other men and women were aflame up to the middle, and were cast into a dark place and were beaten by evil spirits, and their inwards were eaten by restless worms. These were they who persecuted the righteous and delivered them up to the authorities.

And over against these were other men and women gnawing their tongues and having flaming fire in their mouths. These were false witnesses.

And in a certain other place there were pebbles sharper than swords or any needle, red hot, and women and men in tattered and filthy raiment, rolled about on them in punishment. These were the rich who trusted in their riches and had no pity for orphans and widows and despised the commandment of God.

And in another great lake full of boiling pitch and blood and mire stood men and women up to their knees. These were the usurers and those who take compound interest.

The noted preacher, scholar and president of Princeton College, Jonathan Edwards, in his famous sermon, "Sinners in the Hands of an Angry God," put in forcible and picturesque language the religious and legal view of punishment as vengeance:

They [sinners] deserve to be cast into hell; so that divine justice never stands in the way, it makes no objection against God's using His power at any moment to destroy them. Yea, on the contrary, justice calls aloud for an infinite punishment on their sins. Divine justice says of the tree that brings forth such grapes of Sodom, "Cut it down, why cumbereth it the ground?" Luke xiii. 7. The sword of divine justice is every moment brandished over their heads, and it is nothing but the hand of arbitrary mercy, and God's mere will, that holds it back.

They are now the objects of that very same anger and wrath of God, that is expressed in the torments of hell: and the reason why they do not go down to hell at each moment, is not because God, in whose power they are, is not then very angry with them; as angry as He is with many of those miserable creatures that He is now tormenting in hell, and do there feel and bear the fierceness of His wrath. Yea, God is a great deal more angry with great numbers that are now on earth; yea, doubtless, with many that are now in this congregation, that, it may be, are at ease and quiet, than He is with many of those that are now in the flames of hell.

So that it is not because God is unmindful of their wickedness and does not resent it, that He does not let loose His hand and cut them off. God is not altogether such a one as themselves, though they imagine Him to be so. The

wrath of God burns against them; their damnation does not slumber; the pit is prepared; the fire is made ready; the furnace is now hot; ready to receive them; the flames rage and glow. The glittering sword is whet and held over them, and the pit hath opened her mouth under them.

The God that holds you over the pit of hell, much as one holds a spider, or some loathsome insect over the fire, abhors you, and is dreadfully provoked; His wrath towards you burns like fire; He looks upon you as worthy of nothing else, but to be cast into the fire; He is of purer eyes than to bear to have you in His sight; you are ten thousand times more abominable in His eyes than the most hateful and venomous serpent is in ours. You have offended Him infinitely more than ever a stubborn rebel did his prince: and yet it is nothing but His hand that holds you from falling into the fire every moment; it is ascribed to nothing else, that you did not go to hell the last night; that you was suffered to awake again in this world, after you closed your eyes to sleep; and there is no other reason to be given, why you have not dropped into hell since you arose in the morning, but that God's hand has held you up; there is no other reason to be given why you have not gone to hell, since you have sat here in the house of God provoking His pure eyes by your sinful, wicked manner of attending His solemn worship; yea, there is nothing else that is to be given as a reason why you do not this very moment drop down into hell.

O sinner! consider the fearful danger you are in: it is a great furnace of wrath, a wide and bottomless pit, full of the fire of wrath, that you are held over in the hand of that God whose wrath is provoked and incensed as much against you as against many of the damned in hell: you hang by a slender thread, with the flames of divine wrath flashing about it, and ready every moment to singe it and burn it asunder; and you have no interest in any Mediator, and nothing to lay hold of to save yourself, nothing to keep off the flames of wrath, nothing of your own, nothing that you ever have done, nothing that you can do, to induce God to spare you one moment.

Consider this, you that are here present, that yet remain

in an unregenerate state. That God will execute the fierceness of His anger, implies that He will inflict wrath without any pity.

Even though increasing knowledge may have somewhat softened the language of vengeance, still both religion and the law have found their chief justification for punishment in the doctrine of revenge.

The church has constantly taught from the first that God would punish the sinner with everlasting torment. It has taught that all are bad from birth and can be saved only by grace. The punishment to be suffered was as terrible as man's mind could conceive. It would continue infinitely beyond the time when it might be needed for correction or example. In spite of a few humane or over-sensitive ministers, the doctrine persists and is carefully preserved by the church. That the State likewise holds fast to the idea of vengeance, punishment for the sake of suffering, is just as evident. One needs only to note the force and degree of hatred of the good to the one accused of crime, and the zeal that is shown for a man hunt, to realize how deeply the feeling of vengeance is planted in the structure of man. The truth is that it was a part of life before religion and political institutions were evolved.

Still, most people are now ashamed to admit that punishment is based on vengeance and, for

that reason, various excuses and apologies have been offered for the cruelty that goes with it. Some of the more humane, or " squeamish," who still believe in punishment, contend that the object of this infliction is the reformation of the victim. This, of course, cannot be urged of the death penalty or even punishment for life, or for very long-term sentences. In these cases there is neither inducement to reform nor any object in the reformation. No matter how thorough the reform, the prisoner never goes back to society, or he returns after there is no longer a chance for him to be of use to the world or to enjoy life.

Those who say that punishment is for the purpose of reforming the prisoner are not familiar with human psychology. The prison almost invariably tends to brutalize men and breeds bitterness and blank despair. The life of the ordinary prisoner is given over to criticism and resentment against existing things, especially to settled hatred of those who are responsible for his punishment. Only a few, and these are the weakest, ever blame themselves for their situation. Every man of intelligence can trace the various steps that led him to the prison door, and he can feel, if he does not understand, how inevitable each step was. The number of " repeaters " in prison shows the effect of this kind of a living death upon the inmates. To be branded as a criminal and turned out in the

world again leaves one weakened in the struggle of life and handicapped in a race that is hard enough for most men at the best. In prison and after leaving prison, the man lives in a world of his own; a world where all moral values are different from those professed by the jailer and society in general. The great influence that helps to keep many men from committing crime — the judgment of his fellows — no longer deters him in his conduct. In fact, every person who understands penal institutions — no matter how well such places are managed — knows that a thousand are injured or utterly destroyed by service in prison, where one is helped.

Very few persons seriously believe that offenders are sent to prison out of kindness to the men. If there were any foundation for this idea, each prisoner would be carefully observed, and when he was fit would be returned to the world. Not even the parole laws, which provide various reasons and ways for shortening sentences, ever lay down the rule that one may be released when he has reformed.

A much larger class of people offers the excuse that punishment deters from crime. In fact, this idea is so well rooted that few think of questioning it. The idea that punishment deters from crime does not mean that the individual prisoner is prevented from another criminal act. A con-

victed man is kept in jail for as long a time as in the judgment of the jury, the court, or the parole board, will make him atone, or at least suffer sufficiently for the offence. If the terms are not long enough, they can be made longer. The idea that punishment deters, means that unless A shall be punished for murder, then B will kill; therefore A must be punished, not for his own sake, but to keep B from crime. This is vicarious punishment which can hardly appeal to one who is either just or humane. But does punishing A keep B from the commission of crime? It certainly does not make a more social man of B. If it operates on him in any way it is to make him afraid to commit crime; but the direct result of scaring B is not to keep him from the commission of crime, but to make him use precautions that will keep him safe from discovery. How far the fear of detection and punishment prevents crime is, of course, purely theoretical and cannot be settled either by statistics or logic. One thing is sure, that if B is kept from crime, it is through fear, and of all the enemies of man, fear is the one which causes most misery and pain.

There are many facts that show that the punishment of one does not deter others. Over and over again crimes are committed, by the young especially, that resemble in every detail a previous crime which has received large publicity

through the newspapers, often through the hanging of some culprit. Even the unthinking public, always clamoring for severe penalties, does not believe that the example of punishment deters. The public forbids the exhibition of pictures of hangings and of crimes. Somehow, vaguely and dimly as most men see everything, the public realizes that instead of punishments preventing crime, punishments suggest crime. In the olden days when men admitted that vengeance and punishment went together, they were at least more logical, for executions were in the open light of day so all might see and be deterred.

But this sort of punishment was abolished long ago. Now executions are behind tightly-closed doors, often before day-break, with no one present but a doctor to pronounce the victim dead, a preacher to try to save his soul, and a few favored guests. The most humane individuals advocate suppressing the stories in the newspapers, beyond an obituary notice for the deceased, and forbidding the publication of the details of the crime and its penalty. So far as this succeeds, it is a confession that punishment does not deter, but instead suggests and encourages crime. The idea that crime is prevented by punishment, if believed, would be followed by requirements that the young should visit prisons that they might realize the consequences of crime, and that all executions

should be public and should be performed on the highest hill.

So much has been written about the decrease of crime that follows the reduction of penalties, and likewise about the numerous crimes of violence which generally follow public hangings, that it is hardly necessary to recall it to the reader. The fact is, those who say that punishment deters have no confidence in their own statement.

The operations of the human mind have always been clouded in mystery and obscurity. The effect of what is seen and heard and felt has never been certain. The great power of suggestion, especially with the young, is only now beginning to be understood. Many things can be done by suggestion. The immature brain records everything that the senses carry to it through the nerves; these records, through lively imagination, are constantly suggesting and urging to action. All good teachers and observing parents know its power and, so far as such matters can be proved, it seems clear that the details of crime and punishment reproduce themselves over and over again by the suggestion carried to the mind, especially with the young. There is every reason to think that suggestions of crime will affect the mind as much as suggestions of adventure, love or war.

Does it then follow that no one shall be restrained from freedom on account of either his

actions or his nature? It is really idle to ask this question. No matter what one may think of the so-called criminal and his responsibility, or quite regardless of whether we feel pity or hatred, the great mass of the community will not suffer one who has little self-control to interfere seriously and directly with the peace and happiness of the community in which he lives. Whether by the action of the law or by vigilance committees, some men will not be allowed to be at large. Doubtless under proper treatment and environment most of this sort of anti-social conduct would disappear, but for many years to come it will remain.

Taking away the liberty of another has only one justification. The great mass of people in any community must and will act for self-defense. It needs no fine-spun theories to justify it. Hatred should have nothing to do with it. The conduct of man in this regard is only like that of the animal which destroys the one that is inimical to the pack or herd. The self-protection of the group is the same as the self-protection of the individual. Both the group and the man will save their lives against a lunatic or any other menace, regardless of the nature of the menace.

Punishment, in the proper meaning of the term, cannot be justified by any reasoning. Punishment really means the infliction of pain because the individual has wilfully transgressed. Its supposed

justification is that somehow the evil done is atoned for, or made good, or balanced if the author of the evil shall suffer pain. Punishment means that the suffering by the victim is the end, and it does not mean that any good will grow out of the suffering. It seems as if the question only needed to be stated for right-thinking men to deny the validity of punishment.

It may be argued that whether the victim is punished or simply restrained can make no difference. In this lies the whole difference between scientific and humane treatment of the unfortunate, and the vengeful punishments that have always been visited by the strong upon the helpless and the weak. Society restrains the imbecile, the dangerously insane, the victims of deadly, contagious diseases. All these are restrained without any feeling of hatred, but with pity and understanding. Society does not keep one of these persons under restraint after he has sufficiently recovered to make it safe to return him to the community; neither does it release one until he is safe. It uses the best methods for his treatment that may make him fit to live with his fellows, and the best efforts to place him in a proper environment when discharged. Neither does any disgrace nor humiliation nor handicap attach to the unfortunate when discharged. In a sense, the attitude of mind held by the group toward the " criminal " is the

whole question. From this everything follows, and without it change or humanity or hope is not possible.

It is true that insane asylums, homes for the feeble-minded, and hospitals are not what they should be, nor what they will be some day. All of this is not due to the attitude of the mind of the public, but is due to the method of administration which is not within the scope of this book. If justice and humanity shall ever have to do with the treatment of the criminal, and if science shall ever be called upon in this, one of the most serious and painful questions of the ages, it is necessary, first, that the public shall have a better understanding of crime and criminals.

III

RESPONSIBILITY FOR CRIME

It is only lately that we are beginning to find out anything about the origin and nature of man. Laws have come down to us from old customs and folk-ways based on primitive ideas of man's origin, capacity and responsibility. It has been generally assumed that man was created different from all the rest of animal life; that man alone was endowed with a soul and with the power to tell good from evil; that in the beginning man was perfect but yielded to temptation, and since then has been the subject of an everlasting contest between the powers of light and the powers of darkness for the possession of his soul; that man not only knew good from evil, but was endowed with " free will," and had the power to choose between good and evil; and that when he did wrong he deliberately chose to do so out of an abandoned and malignant heart; and that all men alike were endowed with this power and all alike were responsible for their acts.

The old indictments charged that: " John Smith, being a wicked, malicious and evil disposed person,

not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil etc." It followed, of course, that John Smith should be punished or made to suffer, for he had purposely brought all the evil on himself. The old idea is still the foundation of the world's judgment of men, in court and out. Of course this idea leaves no room for mercy and understanding. Neither does it leave any chance to give the criminal the proper treatment for his defects which might permit him to lead a normal life.

As a matter of fact, every scientific man knows that the origin of life is quite different from this; that the whole current conception of the individual and his responsibility is a gross error; and that no correct judgments can be based on the old foundation; that no sane treatment of crime can follow this assumption of man's origin and nature; that the result of this foundation is almost infinite injustice and cruelty to a large and constantly growing number of men and women; and that it tends to endless injury and evil to society. The conception of man and the treatment of crime and criminals by the courts is not better nor more scientific than was the old-time doctors' treatment of physical ailments by magic, incantations and sorcery.

The origin and development of all animal life is the same. In fact, the development of plant

life is on a similar pattern. The origin of a human being is a simple cell, an egg. This cell is fertilized and through growth after fertilization begins dividing and building and taking on the form and semblance of a human being. All children have the same origin, the same development and the same pattern, yet no two are alike. Each has a distinct and different equipment from any of the others. The size of the body, real and potential; the size and fineness of the brain; the delicacy and sensitiveness of the nervous system; the innate instincts upon which conduct mainly rests; the emotions which control action and which flow from the structure — in short, the degree of perfection and imperfection of the machine is all hidden in the original cell. No well-informed person now thinks of questioning the fact that the main characteristics of the human being, as of every other animal and plant, are hidden in the germ or seed from which it sprang.

The laws of growth and development which govern organic matter were not made for man and do not except man. Life begins with the cell and evolves according to pattern. If the cell is that of a human being, it will be black or white, male or female, tall or short, intelligent or stupid, sensitive or stolid; it will develop a large or a small brain, a fine one or a poor one, a sensitive nervous system or a defective one; it will be ruled by

instincts that are all-powerful and controlling, and even the color of the hair and eyes are in the pattern. The whole structure, potentially, is in the original cell, and infinite knowledge could tell how the structure would respond to sensations as it passed through life.

It is obvious that the kinds and differences of human structures are infinite. It is no more possible for all men to respond equally to the same stimulus, than it is for all machines or all animals to respond alike. It is apparent that not one of the structures can ever work perfectly, and that from the best down to the poorest structures are infinite degrees of perfection, even down to the machine that has no capacity for any kind of work.

No ordinarily intelligent farmer doubts for a moment that all of this is true in the breeding of stock. He would never expect the same results from various breeds of cattle or even from all cattle of the same breed.

There is no exception to the rule that the whole life, with every tendency, is potential in the original cell. An acorn will invariably produce an oak tree. It can produce no other tree, and it will always develop true to its own pattern. The tree may be larger or smaller, more or less symmetrical, stronger or weaker, but always true to the general pattern of the oak. Variations will be

certain, due in part to heredity and in part to environment.

That the baby had nothing to do with its equipment will readily be admitted by everyone. The child is born with a brain of a certain size and fineness. It is born with a nervous system made up of an infinite number of fine fibers reaching all parts of the body, with fixed stations or receivers like the central stations of a telephone system, and with a grand central exchange in the brain. If one can imagine all of the telephone wires in the world centered in one station, he may have some sort of a conception of the separate nerves that bring impressions to the brain and send directions out from it, which together make up the nervous system of man. None of these systems is perfect. They are of all degrees of imperfection down to the utterly useless or worse than useless system. These nerves are of all degrees of sensitiveness and accuracy in receiving and transmitting messages. Some may work well, others imperfectly. No one is much surprised when an automobile, equipped with a mechanism much simpler than the nervous system, refuses to respond properly.

The child is born without knowledge but with certain tendencies, instincts, capacities and potential strength or weakness. His nervous system and his brain may be good or bad — most likely neither

very good nor very bad. All of his actions both as a child and as a man are induced by stimulation from without. He feels, tastes, sees, hears or smells some object, and his nerves carry the impression to his brain where a more or less correct registration is made. Its correctness depends largely upon the perfection of the nervous system and the fineness of the material on which the registration is made. Perfect or imperfect, the child begins to gather knowledge and it is stored in this way. To the end of his days he receives impressions and stores them in the same manner. All of these impressions are more or less imperfectly received, imperfectly conveyed and imperfectly registered. However, he is obliged to use the machine he has. Not only does the machine register impressions but it sends out directions immediately following these impressions: directions to the organism as to how to run, to walk, to fight, to hide, to eat, to drink, or to make any other response that the particular situation calls for.

Then, too, stimulated by these impressions, certain secretions are instantly emptied from the ductless glands into the blood which, acting like fuel in an engine, generate more power in the machine, fill it with anger or fear and prepare it to respond to the directions to fight or flee, or to any type of action incident to the machine. It is only within a few years that biologists have

had any idea of the use of these ductless glands or of their importance in the functions of life. Very often these ductless glands are diseased, and always they are more or less imperfect; but in whatever condition they are, the machine responds to their flow.

The stored-up impressions are more or less awakened under stimulation. As life goes on, these stored impressions act as inhibitions or stimulations to action, as the case may be. These form the material for comparisons and judgments as to conduct. Not only are the impressions imperfect and the record imperfect, but their value and effect depend on the brain which compares and considers the impressions. From all this mechanism, action is born.

That man is the product of heredity and environment and that he acts as his machine responds to outside stimuli and nothing else, seem amply proven by the evolution and history of man. But, quite aside from this, logic and philosophy must lead to the same conclusions. This is not a universe where acts result from chance. Law is everywhere supreme. Every process of nature and life is a continuous sequence of cause and effect. No intelligent person would ever think of an effect in the physical world which did not follow a cause or causes. It has taken man a long time to find this out. The recurrence of the seasons, the seed-

time and harvest, the common phenomena of Nature, were once supposed to be outside the realm of cause and effect and due to the whim of some powerful being. But the laws of matter are now coming to be understood. Chance, accident and whim have been banished from the physical world. The acts of men alone are supposed to be outside the realm of law. There is a cause for the eternal revolution of the earth around the sun, for the succession of seed-time and harvest, for growth and decay; but not for the thoughts and actions of man.

All the teaching of the world is based on the theory that there is no free will. Why else should children be trained with so much care? Why should they be taught what is right and what is wrong? Why should so much pains be taken in forming habits? To what effect is the storing of knowledge in the brain of the child, except that it may be taught to avoid the wrong and to do the right? Man's every action is caused by motive. Whether his action is wise or unwise, the motive was at least strong enough to move him. If two or more motives pulled in opposite directions, he could not have acted from the weakest but must have obeyed the strongest. The same motives applied to some other machine might have produced an opposite result, but to his particular structure it was all-controlling. How any special

motive will affect any special machine must depend upon the relative strength of the motive and make of the machine. It is for this reason that intelligent people have always taken so much pains to fortify the machine, so that it would respond to what they believed was right. To say that one could ever act from the weakest motive would bring chaos and chance into a world of method and order. Even punishment could have no possible effect to deter the criminal after release, or to influence others by the example of the punishment. As well might the kernel of corn refuse to grow upward to the sunlight, and grow downward instead.

Before any progress can be made in dealing with crime the world must fully realize that crime is only a part of conduct; that each act, criminal or otherwise, follows a cause; that given the same conditions the same result will follow forever and ever; that all punishment for the purpose of causing suffering, or growing out of hatred, is cruel and anti-social; that however much society may feel the need of confining the criminal, it must first of all understand that the act had an all-sufficient cause for which the individual was in no way responsible, and must find the cause of his conduct, and, so far as possible, remove the cause.

IV

ENVIRONMENT

The acorn will inevitably produce the oak tree and it will grow true to its pattern. All seeds and cells will do likewise. Still if the acorn is planted in good soil, where it is properly nourished and in a spot where it is sufficiently sheltered, the tree will be more likely to become large and symmetrical, than if it is planted in poor soil or in an exposed spot.

In one sense heredity is the seed, and environment the soil. The whole structure and pattern and inherent tendencies and potentiality are in the seed and cannot be changed. The child has nothing to do with its early environment during the period when impressions sink the deepest and when habits are formed. It is then that the meaning of facts is interpreted. At this time the child is fashioned by the teachings and environment in which it is placed. As the child receives its first impressions, and all along through its development, it is forming habits from those about it. These habits come to be strong, dominating forces in its life. Very few people, if any, can trace definite

views of conduct or thought to their conscious effort, but these are born of their structure and the environment that formed their habits after birth.

The fact that an individual's political and religious faith depends almost entirely on his place of birth and early youth, shows the strength of environment in forming and shaping opinions and beliefs.

As the child grows and develops, it is influenced by all that surrounds it. The human machine moves in response to outside stimulation. How it will move depends upon two things, the character of the stimulant and the machine to which it is applied. No two machines will act exactly alike from the same stimulus. Sometimes they act in diametrically opposite ways. For instance, under the same stimulation, one may run and another may fight, depending perhaps on the secretions that the ductless glands empty into the blood.

No machine can act except according to its make-up. Even an ignorant person, who finds that the same stimulant produces different results on different machines, would know that the structures are not the same.

Endless discussions have been devoted to the relative importance of heredity and environment in human conduct. This is a fruitless task. In a sense, each one is of supreme importance in the

outcome of a life. It is obvious that some structures are so perfect that almost no environment will overcome them. Instances of strong men developing out of poor environment are not rare. Many of these may be subject to doubt as to whether the heredity caused the strength, for the smallest particle of luck at some special or vital time may make all the difference possible in the outcome of a life. While some heredities withstand a poor environment, others are so poor that, no matter how good the environment, the machine cannot survive. An idiot is an illustration of one whom environment cannot change. No heredity will overcome the hardest environment. The old saying, "every man has his price," is true in this sense, that every machine will stand just so much and no more. Some machines reach the breaking point soon and some later, but all have their limit. Most people have a heredity that is not the best nor yet the worst. Given an imperfect machine, they are thrown into a certain environment, and then up to the capacity of their machines the outcome depends entirely on the environment. Given an environment easy enough they will succeed, or at least "get by." Given a hard environment they will fail, or "go down." Tens of thousands of men live in a comparatively easy environment and pass their lives as useful citizens with no taint of criminality to their names,

who under a hard environment would be found in prison. On the other hand, perhaps most of the inmates of prisons would have lived as respected citizens if their environment had not been so hard. Heredity has everything to do with making the machine strong and capable, or weak and useless; but when the machine is made and thrown on the world in its imperfect shape, environment has everything to do in determining what its fate shall be.

V

ADJUSTING HEREDITY AND ENVIRONMENT

Most people live a narrow existence. Perhaps the great majority of men and women find their safety in this kind of a life. The adjustment of heredity and environment is not an easy task to one who lives an unsheltered life. The ordinary person, thrown on his own resources, is poorly equipped for existence. His opinions on most matters are not sound. He uses poor judgment as to how he shall spend the little money he gets. He is generally driven by debts and harassed in all his efforts to get a living. A large family adds to his trouble and his existence is a constant struggle with what, to him, is an almost hopeless fate.

Industrial conditions for the most part are relentless and hard. The poor man is thrown into competition with his fellows for work. He may get along when work is easy to get and wages are good, but in dull times he falls behind, and is in hopeless trouble. His life is a long, hard struggle to make adjustments to his environment, and it is

not strange that he goes down so often before the heavy task. Failure to make proper adjustments directly and indirectly often means prison to him.

Again, the ordinary and especially the weak man is hopelessly puzzled by his environment. It must never be overlooked that man has a lowly origin. The marks of his humble birth are in his whole structure and life. His make-up has been the work of the ages. He is a late development of a life that knew nothing of law, as law is understood today. His ancestors were hungry and went out after food, they killed their prey and took their food by main strength whenever they had the power. They were subject to certain customs which were very strict, but which were few and did not seriously complicate life. They knew only the law of force. Their existence was simple and primal, and they were governed by no " rights," except such simple ones as were made by might and custom.

Civilization is a constant building-up of limitations around heredity; a persistent growth of environmental control as it progresses, or at least moves along. This structure, especially the legal structure, is built by the more intelligent and always by the strong men. It is always shifting and moving, and it is impossible for the inferior man to adjust his emotions and his life rapidly to the changes. Things which are not condemned by his feelings of right and wrong are condemned by

laws that meet with no response from his emotions and moral ideas. To him at least these are not different from the things that are done by others with impunity and without rebuke. Especially is this true of the rapidly growing class of property laws that have had no counterpart in the early history of man. This list has grown so fast that it is beyond the power of a large class of men to find in their feelings any response to many of these criminal statutes. The ever-growing social restrictions are of the same modern growth, and it is equally impossible to feel and understand them. What we call civilization has moved so fast that the structure and instincts of man have not been able to become adjusted to it. The structure is too cumbersome, too intense, too hard, and if not breaking down of its own weight, it is at least destroying thousands who cannot adjust themselves to its changing demands. Not only are the effects of this growing body of social and legal restrictions shown directly by their constant violation, generally by the inferior and the poor, but indirectly in their strain on the nervous system; by the irritation and impatience that they generate, and which, under certain conditions cause acts of violence.

VI

PSYCHOLOGY OF CRIMINAL CONDUCT

No one can understand conduct without knowing something of the psychology of human action. First of all, it must be understood that reason, which so many have idealized and placed in control of the human machine, has little to do with the actions of men. It is a common habit with most men to find fault with and bewail the fact that human beings do not act from reason. However much the truth is impressed upon us, we never seem to realize that the basis of action is in instinct and emotion. It is really useless to quarrel with Nature. Whether it would have been better to have made man some other way is not worth discussing. He has been evolved in a certain way and we must take him as he is. Our impatience with the method that Nature has provided for influencing human conduct is largely due to our idea of the meaning of life.

Man has fancied himself in a position in the animal world that facts of life and nature do not

sustain. We seem to feel that man has some high calling; that he should make something of himself which cannot be accomplished; that he should form some sort of a perfect order that he never can reach; in short that man has a purpose and a mission. It is manifest that all we know is but a mite compared with the unknown, and it may be that sometime a purpose will be revealed of which man never dreamed. Still from all that we can see and understand, Nature has but one desire, and that is the preservation and perpetuation of life. This is its purpose or, rather, its strongest urge not only with men but with all animal life. Sometimes to create one fish a million eggs are spawned. Nature is profligate both in spawning life and compassing its destruction. In the human species the capacity for life is immeasurably beyond its fruition. A large portion of those who are born die an early death. And that human life shall not be extinct, Nature plants the life-giving desire deep in the constitution of man. The creation of life comes from an instinct so profound and absorbing that it carries a train of evils in its wake. Many are overweighted by the sex instinct to their positive harm. Nature somehow did not trust such a fundamental duty as the preservation of the race to reason. If intellectual processes were responsible for life, the world no doubt would soon be bare of animate things. Neither could

the care of the young be trusted to anything but the deep-seated instinct that causes the mother to forget her own life in the preservation of the life of her child.

The functions of body, on which life is founded, do not depend upon reason. The heart begins to beat before birth; it continues to beat until the end of life. The reason has nothing to do with the heart performing its function. Man goes to sleep at night confident that it will still be beating in the morning. The blood circulates in the veins independent of the thoughts of man. The digestive processes go on whether he sleeps or is awake. Many of his muscles never rest from birth to death. Life could not be preserved through the intellectual processes.

Human action is governed largely by instinct and emotion. These instincts and emotions are incident to every living machine and are the motor forces that impel the organism. They do not think. They act, and act at once. All the mind can do is to place some restraint on such instincts and emotions through experience, education and settled habits. If the actions are never inhibited, the machine will tear itself to pieces. If too easily inhibited, it will do no work. It is manifest that the perfect machine does not exist.

Man is moved by his instinct of flight and his emotion of fear, which are set in motion by appre-

hended dangers and by unaccustomed sights or sounds. Terror sometimes becomes so intense that it prevents flight and brings convulsions and death. It is idle to reason with one in terror. It is idle to reason with a mob in terror or a nation in terror. One might as well expect to calm a tempestuous sea with soft words.

The instinct of repulsion brings hatred and dislike and, combined with the instinct of pugnacity, may lead to crimes of violence. When these instincts are strong enough, the weak and superficial barriers cannot stand against them. An electrical flash showing the scaffold with the noose above it would have no force to stop an instinct and emotion fully aroused. Through seeing, feeling, hearing, tasting or smelling, some instinct is called into action. Many times several conflicting instincts are aroused. The man is like a tree bent back and forth by the storm. If the storm is hard enough, sooner or later it will break. Which way the tree falls has nothing to do with the consciousness of the tree, but has to do only with the direction of the prevailing and controlling force.

The instinct of gregariousness draws animals and men together into communities and close relations. This is one of the strongest instincts and not only preserves life but is fundamental to those human associations that are the basis of civilization. Except for this, animals would live a lonely

life and probably perish from the earth. Through this instinct, man builds his villages and cities and organizes his states and nations. With the gregarious instinct and the parental instinct drawing men together, and the instincts and emotions of flight, fear and pugnacity, repelling and pushing them apart, conflict is inevitable. All that can be done is to create and cultivate as strong habits, customs and laws as possible to stand against the power of instinct and emotion in time of need, and to remove the main inciting causes so far as man has the intelligence and power to remove them. It is evident that this can never be complete. There are too many weak machines, too many defective nervous systems, too many badly organized brains. Accidents are inevitable, and some accidents are called "crimes." When the accident is international or world-wide, it means war. Those who believe that there is any power to stop all the harmful manifestations of man's instincts, either individually or *en masse*, do not understand the fundamental nature of man.

Many and probably all instincts work both for good and ill. Flight, pugnacity, repulsion, sex — all are life-preserving or life-destroying, as the case may be. A certain degree of excitation brings life and pleasure. A stronger or weaker may bring calamity and death. The parental instinct, with the instinct of reproduction, is fundamental to life.

It is the basis of tenderness and sympathy, and is likewise the foundation of jealousy and often of hatred and pugnacity. At one time it may mean the deepest and most abiding pleasures of life, and at another it may bring death. Life cannot exist without it, and yet, that it may persist, Nature seriously overloads many machines with disastrous results. History is replete with the helplessness of reason and judgment in dealing with these emotions. Neither when they act for good nor for ill can reason and judgment have the slightest weight when these instincts and emotions are stirred to the depths.

The emotion to acquire and keep property is very strong and perhaps at the base of the deep desire for wealth. This emotion is probably of a comparatively late growth, but today it seems to have taken its place as one of the strongest that move men. This emotion, like all others, prompts man to get what he wants. It of course does not suggest the way, but is simply an urge to acquire and possess. It is modified and hedged about by customs and habits but, like all instincts, its strength is always seeking ways to accomplish results regardless of the rules laid down and thus urging their violation. With weak machines and imperfect systems, where not only are the restrictions imperfect, the habits not well defined, but where it is impossible to satisfy the instinct under

the rules laid down, there can be but one result; a large number will take property wherever and however they can get it.

The instinct for acquisition is so strong that men are constantly contriving new and improved methods for getting property. Often the new methods come under restraint of the law. The enactment of the law does not give man the feeling that a thing is wrong which before was right, and many continue their ways of getting property, regardless of the law. The instinct is too strong, the needs too great, and the barriers too weak.

Instincts are primal to man. He has inherited them from the animal world. Their strength and weakness depend on the make-up of the machine. Some are very strong and some abnormally weak, and there are no two machines that emphasize or repress the same instincts to the same degree. One need but look at his family and neighbors to see the various manifestations of these instincts. Some are quarrelsome and combative and will fight on the slightest provocation. Others are distinctively social; the gregarious instinct is pronounced in many people. These are always seen in company and cannot be alone. They readily adapt themselves to any sort of associations. Others are solitary. They choose to be alone. They shrink from and avoid the society of others. In some the instinct at the basis of sex association is over-

strong; they like children; they are generally sympathetic and emotional, and the strength of the instinct often leads them to excesses. Others are entirely lacking in this instinct; they neither care for children nor want them; they habitually avoid association with the other sex. The difference is constituent in the elements that make up the machine.

Everyone is familiar with the varying strength and weakness of the instincts of getting and hoarding as shown by his neighbors and acquaintances. Some seem to have no ambition or thought for getting or keeping money. Some can get it but cannot keep it. Some have in them from childhood the instinct for getting the better of every trade; for hoarding what they get, and accumulating property all their lives. In this, as in all other respects, no two individuals are alike. History is filled with examples of men who had the instinctive power of getting money combined with the instinct for keeping it. Their names are familiar, all the way from Midas and Crœsus down to the prominent captains of industry today. It is common for them and their adherents who criticise new schemes of social organization to remark with the greatest assurance that before wealth can be equal, brains must be equal. The truth is that brains have little to do with either the making or accumulating of money. This depends mainly, like

all other activities, on the strength or weakness of the instincts involved. One's brain capacity cannot be measured by his bank account, any more than by the strength of his body or the color of his hair. His bank account simply shows his innate tendencies. There is no doubt that brain capacity as well as physical perfection adds to power, but it is the instinct that determines the tendency and strength of the activity.

To say that the one who gets money the most easily and keeps it the most safely has the best brain is no more reasonable than to say that the foxhound is more intelligent than the bull-dog because it can run faster. Nature formed one for running and the other for holding on. The brain power is not involved.

There are manifold ways of gratifying all these instincts. The desire for property calls simply for getting it and keeping it. It does not involve the method to be used. The way is determined by other faculties, by education, by opportunities, by the strength and weakness of inhibitions. It does not follow that all legal ways are morally right and all illegal ones morally wrong. Society in its development has established certain ways in which it may be done. These ways are easy for some, they are hard for others, and for many quite impossible.

Still the instinct for getting is always present,

leading and urging to acquire and to keep. Endless are the ways that men have contrived to gratify this instinct. If, perchance, a law stands in the way, means are always sought to get around the law. Every desire is always seeking its own gratification or satisfaction. This means life. Most men believe that the way they adopt for getting money or gratifying other instincts is really no worse than some other person's way. The man who uses the confidence game contends with great assurance that his methods are like other business methods; that all men are using every means to get the largest return for the least effort, and one way is no better than another. A considerable portion of society has always supported him in these ideas. The law is full of shadowy lines which divide legal acquisition from the illegal, some of which are so fine that no one can see more than a technical difference. For instance, under an indictment for obtaining money by false pretenses, one may make all sorts of statements as to the quality, value, style and desirability of the article sold, if he does not make a specific statement of a fact regarding the material contained in them or the amount, number, quality or the like. He may lie, but to be safe he must know the kind of lie the law permits. Many lies pass as " puffing goods " and are within the pale. A trader is not expected to tell the truth. What he can and cannot say may

be determined only by a careful examination of the law, and not always then.

Infinite are the reasons men give for doing the things that their instincts bid them do. All depends upon the strength of the instinct and the character of the machine; the restrictions and habits formed; and many other factors of which the man knows nothing. In fact, all depends upon his endowment and the outside forces that move to action, and for none of these is he in any way to be praised or blamed.

Society seems to be almost oblivious to the emotional life of man. The great masses of men have no capacity or chance to prepare a proper environment in the intense commercialism and mad rush of today. The laws of trade and commerce give most men food, clothing and shelter but nothing more. There is no beauty in their homes or surroundings; no music or art; no adventure or speculation. Existence is a dead thing, a dreary round. To many such people crime furnishes the only chance for adventure. Take away emotions and life is hopelessly dull and commonplace. The emotions of men must be fed just as the body must be fed. To many religion has furnished this emotional life. Churches have provided some art and some music. But aside from the Catholic Church almost none of this is for the poor. To many if not most people religion cannot take the place of

joy. Dogma and creed deaden and cannot appeal to the reason of man. Still they have furnished a large part of the emotional life to great masses of men, without which existence would hold no hope or joy. But this is not enough to fill most lives. The element of joy is largely lacking. To many it makes no appeal, although music and art and beauty do. In no country has society so utterly neglected and ignored the emotional side of man as in America. This has led many men to a life of adventure that for them has been possible only in crime. Many others found this life in the saloon, mixed with influences not conducive to a normal life. The closing of the saloons has added to the already serious need of providing for the innate feelings of men. This is all the more important for America, as a large part of our population has come from lands where beauty and art and music have for generations been made a part of the common life of all.

VII

THE CRIMINAL

Those who have had no experience in the courts and no knowledge of what is known as the "criminal class" have a general idea that a criminal is not like other men. The people they know are law-abiding, conventional believers in the State and the Church and all social customs and relations; they have strict ideas of property rights, and regard the law as sacred. True they have no more acquaintance with law-makers and politicians in general than with the criminal class, which, of course, is one reason why they have such unbounded confidence in the law. Such persons are surprised and shocked when some member of the family or some friend is entangled in the courts, and generally regard it as a catastrophe that has come upon him by accident or a terrible mistake. As a rule, they do all in their power to help him whether he is acquitted or convicted. They never think that he and everyone else they know is not materially different from the ordinary criminal. As a matter of fact, the potential criminal is in

every man, and no one was ever so abandoned that some friend would not plead for him, or that some one who knew him would not testify to his good deeds.

The criminal is not hard to understand. He is one who, from inherited defects or from great misfortune or especially hard circumstances, is not able to make the necessary adjustments to fit him to his environment. Seldom is he a man of average intelligence, unless he belongs to a certain class that will be discussed later. Almost always he is below the normal of intelligence and in perhaps half of the cases very much below. Nearly always he is a person of practically no education and no property. One who has given attention to the subject of crime knows exactly where the criminal comes from and how he will develop. The crimes of violence and murder, and the lesser crimes against property, practically all come from those who have been reared in the poor and congested districts of cities and large villages. The robbers, burglars, pickpockets and thieves are from these surroundings. In a broad sense, some criminals are born and some are made. Nearly all of them are both born and made. This does not mean that criminality can be inherited, or even that there is a criminal type. It means that with certain physical and mental imperfections and with certain environment the criminal will be the result.

Seldom does one begin a criminal life as a full-grown man. The origin of the typical criminal is an imperfect child, suffering from some defect. Usually he was born with a weak intellect, or an unstable nervous system. He comes from poor parents. Often one or both of these died or met misfortune while he was young. He comes from the crowded part of a poor district. He has had little chance to go to school and could not have been a scholar, no matter how regularly he attended school. Some useful things he could have learned had society furnished the right teachers, surroundings and opportunities to make the most of an imperfect child. Early in life he does some desultory work in casual occupations. This of course is not steady, but he picks up what he can and keeps the job for a short time, sometimes quitting work because he is discharged and sometimes because, like most boys and men, he does not like to work. His playground is the street, the railroad yards or vacant lots too small for real play, and fit only for a loafing place for boys like himself. These gather nightly and talk of the incidents that interest most people, mainly the abnormal things of life and generally the crimes that the newspapers make so prominent to satisfy the public demand. He learns to go into vacant buildings, steals the plumbing, and he early learns where to sell it. From this it is only a short step

to visiting occupied buildings at night. In this way he learns to be a burglar as other boys learn to play baseball or golf.

Naturally he has no strong sense of property rights. He has always had a hard time to get enough to eat and wear, and he has grown up unconsciously to see the inequality of distribution and to believe that it is not fair and that there is little or no justice in the world. As a child he learned to get things the best way he could, and to think nothing about it. In short, his life, like all other lives, moves along the lines of least resistance. He soon comes to feel that the police are his natural enemies and his chief business is to keep from getting caught. Inevitably he is brought into the Juvenile Court. He may be reprimanded at first. He comes again and is placed on probation. The next time he goes to a Juvenile Prison where he can learn all the things he has not found out before. He is known to the police, known to the Court, known to the neighbors. His status is fixed. When released from prison, he takes his old heredity back into his old environment. It is the easiest to him, for he has learned to make his adjustments to this environment. From fifteen to twenty-five years of age, he has the added burden of adolescence, the trying time in a boy's life when sex feelings are developing, when he is passing from childhood to manhood. This is a very diffi-

cult time at best to the type of boy from which a criminal grows; he meets it without preparation or instruction. What he knows he learns from others like himself. He gets weird, fantastic, neurotic ideas, which only add to his natural wonderment.

Every person who has not inherited property must live by some trade or calling. Very few people in jail or out choose their profession. Even if one selects his profession it does not follow that he has chosen the calling for which he is best adapted. So far as a person can and does follow his desires, he generally means to choose the calling which will bring him the greatest amount of return for the least exertion. He may have strong inclinations in certain directions, as, for instance, to paint or to write or to investigate or to philosophize, but, as a rule, he does not make his living from following these ambitions. If he does, it is generally a poor living. But usually his aim is to make money at something else so that he can give free rein to his real ambitions.

Most men start to make a living as boys from the ages of fifteen to eighteen. They have no idea of what they ought to do or even of what they want to do. Usually, so far as they have an ambition, it is to do something more or less spectacular that seems to have an element of adventure and not too disagreeable or hard; something like the

work of a policeman, a chauffeur, or an employee in a garage. Still, first and last, most boys and most men have no opportunity for choosing an occupation. In fact, the boy is told that he is a man and must get a job long before he knows that he is a man or begins to feel responsibilities, while he still has all the emotions and dreams of a boy.

When he is told he must go to work he looks for a job. He does not wait until he can find the one that fits him. He cannot afford to wait and if he could, he does not know what job would fit. He takes automatically the first place he can get, hoping to find a better one, which generally means an easier one, before very long. It is hard for a boy to stick to work; too many things are calling him away. Every instinct and emotion is urging him to play. New feelings and desires are coaxing him from work. His companions and the boy life in which he has a place urge him to leave his task. Usually he keeps his job no longer than he can help and later looks for something else. The chances are great that he will never find what he wants; that he has not had the preparation or training for a successful workingman's career, whatever that might be. He is a doer of odd jobs and of poorly paid work all his life.

He must have some calling and takes the easiest one, which is often a life of crime. From this start comes the professional criminal so-called. He may

make a business of picking pockets. If this comes to be his trade it is very hard for him to give it up. There is so strong an element of chance—he never knows what a pocket will contain — it gratifies a spirit of adventure. Then it is easy. The wages are much greater than he could get in any other calling; the hours are short and it never interferes with his amusements. It is not so dangerous as being a burglar or a switchman, for he can find an excuse for jostling one in the street-cars or in a crowd and thus reaching into a pocket.

The burglar is not so apt to be a professional; his is a bolder and more hazardous trade; if he is caught he is taken from his occupation for a longer time. The great hazard involved in this trade and also the physical strength and fitness of those who follow it lead to its abandonment more frequently than is the case with a pickpocket or a petty thief. Robbery is seldom a profession. It is usually the crime of the young and venturesome and almost surely leads to early disaster. Murder, of course, is never a profession. In a broad way it is the result of accident or passion, or of relations which are too hard to endure.

In prison and out, I have talked with scores of these men and boys. I am sure they rarely tried to deceive me. I have very seldom seen one who felt that he had done wrong, or had any thought of what the world calls reformation. A very few

have used the current language of those who talk of reform, but generally they were the weakest and most hopeless of the lot and usually adopted this attitude to deceive. In almost every instance where you meet any sign of intelligence, excuses and explanations are freely made, and these explanations fully justify their points of view. Often too they tell you in sincerity that they believe their way of life is too hard and does not pay; that while they cannot see how they could have done any differently in the past, they believe their experience has taught them to stick by the rules of the game.

The boy delinquent grows naturally and almost inevitably into the man criminal. He has generally never learned a trade. No habits have been formed in his youth to keep him from crime. A life of crime is the only one open to him, and for this life he has had ample experience, inclination and opportunity. Then too for this kind of young man the life of a criminal has a strong appeal. Life without opportunity and without a gambler's chance to win a considerable prize is not attractive to anyone. The conventional man who devotes his life to business or to a profession always has before him the prizes of success — to some honor and glory, and to most of them wealth. Imagine the number of lawyers, doctors and business men who could stick to a narrow path if they knew

that life offered no opportunity but drudgery and poverty! Nearly all of these look forward to the prizes of success. Most of them expect success and many get it. For the man that I have described, a life of toil offers no chance of success. His capacity, education and environment deny him the gambler's chance of a prize. As an honest man, he may raise a family, always be in debt, live a life of poverty and hardship and see nothing ahead but drudgery and defeat. This is why so many mediocre men are found in the mountains and oil fields prospecting for hidden wealth. With the chance of a fortune just before them, and no other opportunity to win, they spend their lives without a family or home, urged on by the hope of luck.

The man grown from boyhood into ways of vice and crime sees this hope and this hope only to make a strike. He has no strong convictions and no well-settled habits to hold him back. The fear of the law only means greater caution, and after all he has nothing to lose. In his world arrest and conviction do not mean loss of caste; they mean only bad luck. With large numbers of men crime becomes a trade. It grows to be a business as naturally as any other calling comes to be a trade.

There are other criminals who do not come from the class I have described, but the habitual visitor to criminal courts knows that they are very few.

Of the others, some are born of parents who could care for them and have done their best and yet, in spite of this, they have repeatedly been entangled in the law; these are often the only ones of a large family who have not lived according to the rules of the game. They are different from the other members of the family. For the most part they have some specific congenital defect, or an unstable system that prevents the correct registration of the experiences that produce safe habits, or makes them unable to withstand temptation or suggestion.

Everyone knows how easy it is, especially for children, to react to suggestion. The whole life of a child is a response to suggestion. This is about all there is to education. Even older men constantly and readily yield to suggestion. The results gained by quack doctors, lightning-rod agents, promoters and dealers in oil stocks, mining stocks and an endless number of other stocks, show that the right kind of suggestion is bound to produce results. The dressing of the windows of department stores and the writing of catchy advertisements are a constant recognition of the power of suggestion. So well known is this weakness of human character that schools of salesmanship are regularly organized and promoted to teach the art of getting victims to part with money for things they do not want or need.

Every right-feeling person does everything in his power to educate the child. He is ever watchful through the child's youth and early manhood to equip him with the capacity to make a living. He seeks to build up around him and within him the strongest kind of habits and beliefs. He carefully teaches the child that the only way to live is to observe all the rules laid down by experience and custom, so that he may not react to the temptations that life holds out at every step. Every wise person feels almost certain that if his children are reared without education, without discipline, without training or opportunities, they will almost inevitably swell the ranks of the criminal classes. And it is especially certain that if one of his children is defective or has an unstable nervous system, such a child should never be left without protection and care.

There are professional criminals of a different grade, like the forger and the confidence man. Both of these have generally had some education and a fair degree of intelligence, and have had some advantages in life. The forger, as a rule, is a bookkeeper or an accountant who grows expert with the pen. He works for a small salary and sees nothing better. He grows familiar with signatures. Sometimes he is a clerk in a bank and has the opportunity to study signatures; he begins to imitate them, often with no thought of forging

paper. He does it because it is an art and probably the only thing he can do well. Perhaps some hard luck or an unfortunate venture on the Board of Trade, or in a faro bank, makes him write a check or note. He easily convinces himself that he is not getting the salary he earns and that less worthy men prosper while he is poor. Then too his business calls for better clothes and better surroundings than those of the workingman, and gives him many glimpses of easy lives. For a time he may escape. If the amount is not too large it is often passed by without an effort to detect. Sometimes it escapes notice altogether. Some business men write so many checks that they take no pains at the end of the month to figure up their account and examine every check, and never notice it unless the balance given by the bank is so far out of the way that it attracts attention. After a forger grows to be an expert, he can move from town to town. If he is taken and put in prison and finally released, he is hard to cure. Forgery is too easy and he knows of no other trade so good. A large percentage of these men never would have forged, had their wages been higher. Many others are the victims of the get-rich-quick disease; they haunt the gambling houses, brokers' offices and the like. Often when they begin they expect to make the check good; generally, they would have made good if the right card had only

turned up in the faro bank, or the right quotation on the stock exchange.

There is another class of forgers, generally bankers, who speculate with trust funds. To cover up the shortage they sign notes expecting that they will never be presented and will deceive no one but the bank examiner. If luck goes against them too long, the bank fails and the forgery is discovered. These are really not forgers, as they never intend to get money on the note. It is only a part of a means to cover up the use of trust funds. Of course, these men are never professional forgers, and are much more apt to die from suicide or a broken heart than to repeat.

But with few exceptions, the criminal comes from the walks of the poor and has no education or next to none. For this society is much to blame. Sometimes he is obliged to go to work too soon, but often he cannot learn at school. This is not entirely the fault of the boy's heredity; it is largely the fault of the school. A certain course of study has been laid out. With only slight changes this course has come down from the past and is fixed and formal. Much of it might be of value to a professional man, but most of it is of no value to the man in other walks of life. Because a boy cannot learn arithmetic, grammar or geography, or not even learn to read and write, it does not follow that he cannot learn at all. He may possibly

have marked mechanical ability; he may have more than the ordinary powers of adaptation to many kinds of work. These he could be taught to do and often to do well. Under proper instruction he might become greatly interested in some kind of work, and in the study to prepare him for the work. Then too it is more or less misleading to say that an uneducated man commits crime because he is uneducated. Often his lack of education as well as his crime comes from poverty. Crime and poverty may come from something else. All come because he had a poor make-up or an insufficient chance.

After all, the great majority of men must do some kind of manual labor. Until the time shall come when this kind of work is as easy and as well paid as other employment, no one will do manual labor if he can do any other kind. Perhaps the time may come when the hardest and most disagreeable work will be the best paid. There are too many unskilled workers in proportion to the population to make this seem very near. In the meantime — and that is doubtless a long time — some one must do this work. Much of it is done under supervision and requires no great skill and need not be very disagreeable or hard. In a complex civilization there is room for everyone to contribute to the whole. If our schools are some day what they should be, a large part of their time,

in some cases all of it, will be devoted to manual training and will be given to producing skilled workmen. This sort of school work can be made attractive to thousands of boys who can do nothing else. And if easier conditions of life under fairer social surroundings could be added to this kind of education, most boys who now drift into crime would doubtless find the conventional life more profitable and attractive.

VIII

THE FEMALE CRIMINAL

Women furnish only one-fifth to one-tenth of the population of penal institutions. Probably the percentage would be still lower if among these were not a number of rather common convictions for acts which are peculiar to women, like abortion, infanticide, child abandonment and the like. As to the other crimes, few women are burglars or robbers, or guilty of other crimes of violence, except murder. Women steal and poison and blackmail and extort money and lie and slander and gossip, and probably cause as much unhappiness as men; but their crimes, like their lives, are not on so large or adventurous a scale. They do not so readily take a chance; they lack the imagination that makes big criminals or lays broad schemes. In many of their crimes they are often the accomplices of men and take rather a minor part, although sometimes a quite important one. For this reason they are often not detected and frequently not prosecuted, a fact which leaves the percentage smaller than it otherwise would be.

Then too, juries are apt to acquit women of crime even when they are indicted and tried. It must be a positive case and one which calls for no possible feeling of sympathy or where there is no personal appeal that will work the conviction of a woman. Men have so long adopted an attitude of chivalry toward women that very few juries will convict them. This too has much to do with the small number of female convicts.

Some writers claim that the small number of women in penal institutions shows that women are better than men; but this is a hasty conclusion arrived at from insufficient facts. There are fewer female prisoners because women have lived a more protected life; they have not been engaged so generally in business; they have not been so constantly obliged to fight their way in the world; their lives have been more quiet and smooth; they have been surrounded by strong conventions and closely watched. Especially is this true with regard to the girl as compared with the boy. Such protection naturally keeps them from the commission of crime. The great consideration shown to them by prosecuting witnesses, prosecuting officers, judges and juries, supplements the protected life and is an added reason for the showing made by statistics. It is notorious that a woman is seldom convicted of murder. This has been the subject of much complaint on the part of the public; still a man may

condemn such acquittals and when placed on a jury will himself vote for acquittal.

After all, the juries are right. Most of the cases of murder against women involve sex relations. Nature has made the bearing and rearing of children first of all the woman's part, and this fact so dominates her life that nothing else seems important to her in comparison. She is not able to judge in a broad and scientific way matters so clearly affecting life. It may even be possible that in the evolution and preservation of life, her judgments are right. At least they are the natural judgments for a large number of women, or these tragedies would not occur. No doubt as woman enters the field of industry formerly monopolized by man, and as she takes her part in politics and sits on juries, the percentage of female criminals will rapidly increase. In fact, the percentage of women prisoners has been climbing for many years. As she takes her place with men she will be more and more judged as men are judged, and will commit the crimes that men commit, and perhaps furnish her fair quota to the penitentiaries and jails.

Whether this will be better or worse for the race is no part of the discussion, and can only be told by long experience. Women must accept the facts and make their choice of activities in view of these facts. Quite apart from any sentiment, I

think that it is a mistake to believe that men and women should be judged alike. The structure and nervous system of women cause physical and mental disturbances which affect their judgment and life. If there were any justice in human judgment and civilization, then each human being would be judged according to his make-up, his tendencies, his inclinations and his capacities, and no two would be judged alike.

Any sudden change in the treatment of women in the courts will work a great injustice that will leave its effect on both women and men, and still more on the life of the race.

IX

JUVENILE CRIMINALS

This subject would scarcely have been noted a few years ago. True, there was in the past a small mixture of children in the grist ground out in the criminal courts. Usually they received some leniency, and were viewed with more curiosity than alarm. The juvenile criminal was regarded as a prodigy with a capacity for crimes far beyond his years. Something of the attitude obtained in regard to him which attaches to the child chess player or the child mathematician. The child criminal is now common, and for the most part is a product of the city.

All crime is doubtless much more common in the city than the country, and the young criminal especially is a product of the crowded community. To those who look for natural causes for all phenomena the reason is not far to seek. The city itself is an abnormal thing. Primitive man and his ancestors were never huddled together in great multitudes, as are the dwellers in cities today. To a degree almost all animals are gregarious, but the units of organization are much smaller with

them than with man, excepting possibly in the case of the ant and the bee, insects which seem specially adapted to live a highly automatic and coöperative life, such as human beings cannot possibly reach. But primitive men and their direct ancestors lived in small groups. They could not have preserved their life in any other way. They lived by fishing and hunting and by gathering roots, berries and herbs. Later they tended their flocks and cultivated the fields in a simple way.

With the introduction of the modern machine, the factory system and the railroads, in the last century, our great modern cities were evolved. As they grew more complicated, new problems arose. The life of the crowded city is most difficult even for normal men and women. The adjustments are too numerous and too complex for an animal made with simple tastes and for a pastoral life. But, if it is hard for men, it is almost hopeless for children, especially the children of the poor who fill our prisons, asylums and almshouses.

Every child needs the open air and the open life of the country. He needs, first of all, exercise which should be in the form of outdoor play. No healthy boy wants to live indoors, even though his home may be a convenient city "flat." The woods, the fields, the streams, the lakes, the wide common with plenty of room, have always made their natural appeal to the young. And as sunlight

kills most of the deadly germs, so outdoor life with exercise and play takes care of most of the unhealthy thoughts, habits and ideas of child-life. In the past, our schools both in the city and country have done little to help the young. For the most part healthy children have always looked on them more or less as prisons. Here they have been confined and kept from exercise and play, to study useless and unrelated facts and to commit to memory dry rules which are forgotten as soon as their minds are ready to retain anything worth while.

Schools should be made to fit the needs of children, and not children to fit schools. The school that does not provide work and play for the child which he is glad to do, has learned little of the psychology and needs of youth. Botany, Zoölogy, Geology and even Chemistry can be taught to children before they learn to read, and taught so that it will seem like play, and through this the pupil will acquire a natural taste for books. It is only within the last few years that the modern school has really begun to educate the child. It has been a hard fight that scientific teachers have waged with conventional education for the right of the child. What has been done is too recent and scattering to show material results.

Nothing is so important to the child as education. The early life is the time that character is

formed, habits are made, rules of conduct taught, and it is almost impossible to up-root old habits and inhibitions and implant new ones in later years.

It is true that " the child is father to the man," and he is the father of the criminal as well as the useful citizen. Outside of the hopelessly defective, or those who have very imperfect nervous or physical systems, there is no reason why a child who has had proper mental and physical training and any fair opportunity in life should ever be a criminal. Even most of the mentally defective and those suffering from imperfect nervous systems could be useful to society in a sheltered environment. Poor as the country schools have always been, the outdoor life of the country child is still so great an influence that he generally escapes disaster. He is not sent to a factory, but lives in a small community where he has fresh air and exercise.

Of course here as everywhere we must allow for the defective, the imperfect, the subnormals and the children of the very poor. These unfortunates furnish a large percentage of the inmates of prison, and most of the victims for the scaffold which civilization so fondly preserves.

The growth of the big cities has produced the child criminal. He is clearly marked and well defined. He is often subnormal even down to idiocy. In most cases he is the result of heredity.

Many times he may have fair intelligence, but this is usually attached to an unstable, defective nervous system that cannot do its proper work, and he has had no expert treatment and attention. He is always poor. Generally he has lost one or both parents in youth and has lived in the crowded districts where the home was congested. He has no adequate playground and he runs the streets or vacant, waste places. He associates and combines with others of his kind. He cannot or does not go to school. If he goes to school, he dreads to go and cannot learn the lessons in the books. He likes to loaf, just as all children like to play. He is often set to work. He has no trade and little capacity for skilled work that brings good wages and steady employment. He works no more than he needs to work. Every night and all the days that he can get are spent in idleness on the street with his "gang." He seldom reads books. He lacks the taste for books, and such teachers as he knew had not the wit to cultivate a taste for good reading. Such books as he gets only add to his unhealthy thoughts.

Many writers have classified the crimes that the boy commits. It is scarcely worth the while. He learns to steal or becomes a burglar largely for the love of adventure; he robs because it is exciting and may bring large returns. In his excursions to pilfer property he may kill, and then for the first

time the State discovers that there is such a boy and sets in action the machinery to take his life. The city quite probably has given him a casual notice by arresting him a number of times and sending him to a juvenile prison, but it has rarely extended a hand to help him. Any man or woman who has fairly normal faculties, and can reason from cause to effect, knows that the crimes of children are really the crimes of the State and society which by neglect and active participation have made him what he is. When it is remembered that the man is the child grown up, it is equally easy to understand the adult prisoner.

X

HOMICIDE

Crimes against persons are not always as easy to classify and understand as crimes against property. These acts are so numerous and come from so many different emotions and motives, that often the cause is obscure and the explanation not easy to find. Still here, as everywhere in Nature, nothing can happen without a cause, and even where limited knowledge does its best and cannot find causes, our recognition of the connection between cause and effect and the all-inclusiveness of law can leave no doubt that complete knowledge would bring complete understanding.

It is always to be borne in mind in considering this class of crimes that the motive power of life is not reason but instinct. If men lived by reason the race would not survive. The primal things that preserve the race, the hunger for food, drink, sex, are instinctive and not only are not awakened or satisfied by reason, but oftentimes in violation of it. Nature, first of all, sees to the preservation of the species, and acts in a broad way that life may not perish. Nature knows nothing about right and

wrong in the sense in which man uses these words. All of our moral conceptions are purely of social origin and hence not instinctive in human life, and are forever giving way to the instincts on which Nature depends. The preservation of life has called for the emotions of hate, fear and love, among the other emotions that move men. The animal fears danger and runs away, and thus life is preserved. The weaker animal is almost entirely dependent for life upon his fear. He is sometimes afraid when there is no danger, but without fear he would be destroyed. Sometimes the animal hates and kills and thus preserves himself. The love of offspring is the cause of the care bestowed upon it which preserves its life. The herd instinct in animal species develops packs and clans and tribes and states. Man is the heir to all the past, and the instincts and emotions of the primitive animal are strong in his being. These may have been strengthened or diluted as the ages have come and gone, but the same instincts furnish the motive power for all his acts. Man fears and hates, and runs or kills and saves his life. He loves, and preserves his offspring.

Man sees an object. Instinctively he may fear it or he may hate it. He may run from it or destroy it. He gathers impressions through his senses. The nerves carry them to the brain. He comes to fear certain persons and things, to hate certain other

persons or things, and to love still others. If the hatred is strong enough or the danger great enough or the desire sufficient, he may kill. Whether he plans the method or deliberates upon the act can make no difference. He is prompted by the instinct, and the reflection simply means the consideration of reasons for and against, or the reaching of inhibitions. If he acts, it is one of the primal emotions that causes the act. He is the "machine" through which certain emotions find their path and do their work. Infinite are the causes and circumstances that give rise to an emotion strong enough to take human life.

Killings which result from a sudden passion are easily understood. Everyone has been overwhelmed by rage, where reason and judgment and all acquired restraints are entirely submerged. The primitive man with his primitive emotion reasserts himself. It is mainly accident or the lack of some particular circumstance that prevents a murder. Of course some people are overwhelmed more easily than others. Some natures are less stable, some nervous systems less perfect, and the built up barriers are weaker. The whole result of stimuli is determined by the strength of the feeling acting upon the machine. Such a person is not ordinarily dangerous to the community. The act itself would generally assure that it could never happen again. Some killings, however, are more deliberate.

They are preceded by a settled hatred which preys upon the mind and fights against the preventive influences that training and habit have formed. Under a certain combination of circumstances these restrictions are swept aside and the emotions have their way.

There are, of course, certain broad classifications of homicides. A considerable number, perhaps more than any other, come through the commission of robbery, burglary and larceny. In the midst of the act the offender is caught, and kills in an effort to escape. These murders fall under the heading of property crimes; the cause is the same, and the rules governing them are the same. The second group, with respect to numbers, grows from the relations of men and women. Wives kill husbands and husbands kill wives; sweethearts kill each other. Jealousy and revenge are commonly mixed with sex life and sex association. Many socialists have argued that under an equal distribution of property, where women were freed from fear of want, these crimes would disappear. But this argument does not take human nature into account. Jealousy is inevitably associated with sex relations. The close contact of men and women over long periods of time inevitably causes friction and misunderstanding. These conditions often grow chronic, and in marriage are aggravated by the necessity of close association regardless of the

real feelings that may exist. Certain claims are made by husbands and by wives, which are probably inherent in the relationship; sometimes they flow from habit and custom, but, from whatever cause, such claims are so exacting that either the husband or wife finds them hard to meet.

Because of the fact that the feelings of men and women for each other are deeper and more fundamental than those of any other relation, they are more subject to misfortune and tragedy. The hatreds born from the deepest affection are most beyond control. Then the desire of possession is overwhelming. It would be strange if more killings did not result from the relations of men and women than from any other cause. It is easy to understand why this is true. It is likewise easy to understand how laws, reason and judgment are powerless to prevent. Juries seem to understand this when women kill husbands and lovers, but a long-established code of chivalry and a cultivated attitude toward women, which is partly right and partly wrong, make it impossible to see that men are just as helpless under strong feelings as women. No doubt a public opinion that would favor divorces on a greater number of grounds and make them easily obtainable would prevent large numbers of such killings, but the cause can not be altogether removed.

The law has long singled out killing as the

greatest crime, doubtless because man prizes life first of all. Of course every effort should be made to protect life. Still, in measuring the character of the offender, in determining his possibilities as a useful citizen, homicide is probably one of the lesser crimes. Many times it implies no moral turpitude, even with those who believe in moral turpitude. It may imply very little lack of physical stability. Homicide practically never becomes an occupation. Most killings are accidental in the sense that they are casual and dependent on circumstances, and there is as a rule much less danger of repetition than there is of the original commission of a homicide by one of a defective nervous system who has never before committed an unlawful act. A large number of men convicted of murder are used as " trusties " in our penal institutions, even when their imprisonment is for a long term, or for life. This shows from the experience of prison officials that this class of offenders is, as a rule, of a better fibre than almost any other class.

Doubtless no sort of treatment will ever entirely get rid of homicide. Brains and nervous systems are so made, that inhibitions are unable to protect in all cases. Nations and men readily engage in killing, either from sport or because of a real or fancied wrong. Mob psychology shows how whole communities are turned into ravenous beasts, hunt-

ing for their prey. The world war, and all wars, show cases of mob psychology that have led large masses of men to take an active part in killing. The pursuit of those charged with crime shows that all people like the chase when the emotions are thoroughly aroused. Under certain impulses, communities gloat over hangings and commend judges and juries because they have the courage to hang, when, in fact, they were too cowardly not to hang and when their reason did not approve the verdict and judgment. Men who do not kill often wish others might die and are pleased and happy when they do die. We approve of death when it is the right one who dies. Whether all persons are murderers or not may depend upon a definition of murder. But, beyond doubt, all persons are potential murderers, needing only time and circumstances, and a sufficiently overwhelming emotion that will triumph over the weak restraints that education and habit have built up, to control the powerful surging instincts and feelings that Nature has laid at the foundation of life.

XI

SEX CRIMES

Most of the inmates of prisons convicted of sex crimes are the poor and wretched and the plainly defective. Nature, in her determination to preserve the species, has planted sex hunger very deep in the constitution of man. The fact that it is necessary for the preservation of life, and that Nature is always eliminating those whose sex hunger is not strong enough to preserve the race, has overweighted man and perhaps all animal life with this hunger. At least it has endowed many men with instincts too powerful for the conventions and the laws that hedge him about.

Rape is almost always the crime of the poor, the hardworking, the uneducated and the abnormal. In the man of this type sex hunger is strong; he has little money, generally no family; he is poorly fed and clothed and possesses few if any attractions. He may be a sailor away from women and their society for months, or in some other remote occupation making his means of gratifying this hunger just as impossible. There is no opportunity for him except the one he adopts. It is a

question of gratifying this deep and primal instinct as against the weakness of his mentality and the few barriers that a meagre education and picked-up habits can furnish; and when the instinct overbalances he is lost.

Incest, which is peculiarly the crime of the weak, the wretched and the poor, has a somewhat different origin. Westermarck in his "*History of Human Marriage*" shows that in the early tribe there was no inhibition against the marriage of blood relations; that the restriction then was against the members of the tribe that used one tent; these might or might not be blood relations. The traditions and folk-ways against the marriage of close relations grew from the familiarity that came from the living together of brother and sister, for instance, in one home. This feeling gradually worked itself into custom and habit and from that into folk-ways and laws. Sometimes we read accounts of the marriage of a man and woman who found, after years had gone by, that they were brother and sister who had been separated in infancy and grew up without knowledge of their relation to each other. Whether Nature forbids the marriage of relatives by preventing offspring or by producing imperfect offspring is a doubtful question. Certain communities in Europe have lived together so long that all are related and still they seem to thrive. Considering

the general custom and feeling on the subject, however, the man and woman who know that they are closely related and who marry are different and weaker than the others; and this may show in their offspring. Although the subnormal may have no such feeling, they are judged by the traditions and customs of the normal and on that judgment are sent to prison.

Many sex crimes are charged to children in the adolescent age; children who have no knowledge of sex and its development and are helpless in the strength of their newly-discovered feelings. This class of offenders is almost always the inferior and the poor who are moved by strong instincts which they have not the natural feeling, the strength, the education, nor the desire to withstand.

While most crimes against persons are not directly due to economic causes, still the indirect effect of property is generally present in these crimes as well as others. The fact that the poor and defective are generally the subjects of prosecution and conviction in these offences shows how closely economic conditions are related to all crimes.

Other criminal statutes are of more modern date, and as a rule involve not much more than adultery, except in regard to the age of the girl offender, which is generally placed below eighteen. Still the sex age of neither boys nor girls can be

fixed by a calendar. It depends really upon development, which is not the same with all people or in all environments. Many girls of sixteen are more mature and have more experience of life than others of twenty. Most laws provide that below sixteen one cannot give consent and that a sexual act is then rape. It is doubtful if there should be any intermediate age between sixteen and eighteen, where an act is not rape but still a minor offence.

XII

ROBBERY AND BURGLARY

Robbery and burglary are generally counted as crimes of violence, but they should be properly classed under property crimes. Every motive that leads to getting property in illegal ways applies to these crimes. There is added to the regular causes of property crimes the element of danger and adventure which makes a strong appeal to boys and men. I am inclined to think that few mature men have committed one of these crimes, unless they began criminal careers as boys. Such crimes especially appeal to the activity and love of adventure which inhere in every boy. They are committed for the most part by youths who have had almost no chance to get the needed sport and physical experience incident to boyhood. The foot-ball, base-ball, polo or golf player very seldom becomes a robber or a burglar. Almost no rich man or rich man's son becomes a robber or a burglar. Those who fall under this lure are mainly the denizens of the streets, the railroad yards, the vacant lots, the casual workers who are stimulated by a variety of conditions to get property unlaw-

fully. Added to this are almost invariably a defective heredity, vicious environment, little education, and a total want of direction in the building up of habits and inhibitions.

The robber or burglar who kills in the commission of crime is more dangerous and harder to cure than the one who kills from passion or malice. There is always the element of an occupation, for getting property, and generally a love of adventure that is difficult to overcome, except by a substantial change of social relations which makes acquiring property easier for the class from which all these criminals develop. The murder that comes from passion and feeling implies situations and circumstances that are rarely strong enough to overcome the restrictions against killing.

XIII

MAN AS A PREDATORY ANIMAL

Not less than eighty per cent of all crimes are property crimes, and it seems probable that, of the rest, most arise from the same motives. If we look at civilization as the result of that see-saw trend of the race from "Naturalism to Artificialism," we may get a flexible view of life that will be in accordance with the facts, and will help us to get rid of the arbitrary division of man's history into the three periods termed Savagery, Barbarism and Civilization. However desirable this division may be for historic purposes in general, it is only confusing in an effort to study the nature of man.

In the life and origin of the race, the fact is always evidenced that the Ego through its growth and persistence is always drawing to itself from the current of environment all things which it feels desirable to its life and growth. This must be a necessary condition of survival. In the long journey from amœba to man, any circumstance causing a complete halt for even a brief period meant extinction, while even a persistent interference pro-

duced a weakened organism, if not an arrest of development.

This then is the origin of the "Master Instinct," hunger. When we consider the various emotions growing from the force of this vital urge, as developed by adaptation to an ever-changing environment, we are able to realize fully why it bulks so large in moulding and shaping the destiny of the race.

All psychologists are agreed in classing under the nutritive instinct such activities as acquisition, storing and hoarding. During a period variously estimated as a quarter of a million to two million years, man and his animal antecedents responded to the hunger instinct, in the manner and by the same methods as did the various jungle animals. He secured his prey by capture, or killed it wherever found, the one condition being his power to get and to hold. Later tribal organization arose, and food and shelter were held in common. But since the folk-ways commended raiding and looting between alien tribes, here was presented an alluring chance to secure both booty and glory to men trained in the "get and hold" process of acquiring. For thousands of years life itself depended upon this unerring exercise.

It was during the period outlined that man developed his big brain (cerebrum) involving the central nervous system. Furthermore, it was devel-

oped by, and trained to, these particular reactions. The far-reaching control of the mind must be remembered, as upon this through his racial heritage must be based his conflicting impulses. These must be reckoned with in our conclusions with regard to present-day behavior, economic or otherwise.

During the last thirty years, psychological laboratories, aided by physiology, through oft-repeated experiments conducted with newly-invented weighing and measuring instruments of marvelous accuracy, have put us in possession of an array of facts unknown to students of earlier periods, who sought the " why and the how " of man's erratic actions as a social animal. It is constantly being demonstrated that under given conditions, moved by appropriate stimuli, the human animal inevitably and surely reacts the same as does inorganic matter. If we understand "intelligence " to be the " capacity to respond to new conditions," we can measurably see and at least partly understand the constant inter-play of heredity and environment. Between these there is no antagonism. The sum of life experiences consists solely in the adjustments required to enable the sentient organism — man or beast — to live.

How readily a " throw-back " to earlier and cruder life may be brought about under favorable conditions, is shown by the methods and virulence

of combat during the vicious massacre in the war just ended. Can the conclusion be evaded that individually and collectively we constantly teeter on the brink of a precipice? If we fall it spells crime or misfortune, or both.

Wherever civilization exists on the private property basis as its main bulwark, we find crime as an inseparable result. Man, by virtue of his organic nature, is a predatory animal. This does not mean that he is a vicious animal. It simply means that man, in common with the eagle and the wolf, acts in accordance with the all-impelling urge and fundamental instincts of his organic structure. In any conflict between newer and nobler sentiments and the emotions which function through the primeval instincts, he is shackled to the bed-rock master instincts in such manner that they usually win. This is conclusively shown by the history of the race.

If this is true, we should expect to find the master hunger specially active through the many chances presented for exploitation after the fall of feudalism — beginning, let us assume, with the invention of power machinery — the "Age of Steam". It is apparent that from that time to our own day, man's acquisitive tendency has so expanded, that if we were capable of an unbiased opinion it might be said to be a form of megalomania gripping the entire white race, where highly-

developed commerce and industry are found in their most vigorous forms.

If our theory is correct, we should expect to find the most energetic and enterprising nations showing a greater ratio of property crimes than the invalid and feeble nations. This would more certainly be true where political constitutions by letter and spirit encourage and promote individual development, mental and industrial. When this condition exists with abundant natural resources, such as often may be found in what we term a new country, it furnishes the chance for the most vigorous functioning of whatsoever may be the dominant qualities inherent in the tendencies and aspirations of a people. The United States of America, among the nations, meets these conditions, and we find here the highest ratio of property crimes per capita. This holds as to all such crimes, both minor and major, which are far in excess of those of any other nation, as shown by statistics.

It seems clear that this explanation shows the main reason for the seemingly abnormal number of property crimes in the United States.

Man's infinitely long past developed the hunger instinct, which made him take directly and simply where he could and as he could. This is always urging him to supply his wants in the simplest way, regardless of the later restrictions that modern civilization has placed around the getting of

property. With the weaker intellectually and physically, these instincts are all-controlling. The superficial and absurd theories that his excesses are due to the lack of the certainty of punishment take no account of the life experience, and the inherent structure of man.

Especially in our large cities with their great opportunities for the creation and accumulation of wealth, the " lust of power " is shown by the nerve-racking efforts to obtain wealth by the most reckless methods. The emotion drives us to spend extravagantly and conspicuously, that we may inspire the envy of our neighbors by our money and power.

This is an old emotion securing a new outlet, and tenfold magnified in force, through modern conditions in commercial and industrial life. Is it not plain that in America it has assumed the form of an obsession, biting us high and low, until we reek of it? It is likewise clear that it is a menace to any abiding peace and welfare; that it is still growing and leaving a bitter harvest of neurasthenics in its wake.

The criminologist must face the fact that, in spite of contrary pretenses by most of our social doctors, we are still in our work-a-day life guided almost exclusively by the mores — the folk-ways of old — founded on expediency as revealed by experiences, and acquired by the only known pro-

cess, that of trial and error. If this be true, it clearly follows that in order to conserve any vestige of a civilization, we must realize the fact that property crimes are the normal results of the complex activities making up the treadmill called civilization. We must likewise realize that to modify these crimes we must modify the trend of the race.

When the seamy side of man's behavior is scrutinized by science, it cannot be other than grim and distressing to the reader. It is this to the writer. But all the really significant facts of life are grim and often repulsive in the material presented. To the "irony of facts" must be ascribed the shadows as well as the high lights. No distortions or speculations can influence the findings of science. They are accessible and can be checked up by any one sufficiently interested. The student knows that man is what he is, because of his origin and long and painful past.

XIV

CRIMES AGAINST PROPERTY

By far the largest class of crimes may be called crimes against property. Strictly speaking, these are crimes in relation to the ownership of property; criminal ways of depriving the lawful owner of its possession.

Many writers claim that nearly all crime is caused by economic conditions, or in other words that poverty is practically the whole cause of crime. Endless statistics have been gathered on this subject which seem to show conclusively that property crimes are largely the result of the unequal distribution of wealth. But crime of any class cannot safely be ascribed to a single cause. Life is too complex, heredity is too variant and imperfect, too many separate things contribute to human behavior, to make it possible to trace all actions to a single cause. No one familiar with courts and prisons can fail to observe the close relation between poverty and crime. All lawyers know that the practice of criminal law is a poor business. Most lawyers of ability refuse such practice because it offers no financial rewards. Nearly all the

inmates of penal institutions are without money. This is true of almost all men who are placed on trial. Broad generalizations have been made from statistics gathered for at least seventy-five years. It has been noted in every civilized country that the number of property crimes materially increases in the cold months and diminishes in the spring, summer and early autumn. The obvious cause is that employment is less regular in the winter time, expenses of living are higher, idle workers are more numerous, wages are lower, and, in short, it is harder for the poor to live. Most men and women spend their whole lives close to the line of want; they have little or nothing laid by. Sickness, hard luck, or lack of work makes them penniless and desperate. This drives many over the uncertain line between lawful and unlawful conduct and they land in jail. There are more crimes committed in hard times than in good times. When wages are comparatively high and work is steady fewer men enter the extra-hazardous occupation of crime. Strikes, lockouts, panics and the like always leave their list of unfortunates in the prisons. Every lawyer engaged in criminal practice has noticed the large numbers of prosecutions and convictions for all sorts of offences that follow in the wake of strikes and lockouts.

The cost of living has also had a direct effect on crime. Long ago, Buckle, in his "*History of*

Civilization," collected statictics showing that crime rose and fell in direct ratio to the price of food. The life, health and conduct of animals are directly dependent upon the food supply. When the pasture is poor cattle jump the fences. When food is scarce in the mountains and woods the deer come down to the farms and villages. And the same general laws that affect all other animal life affect men. When men are in want, or even when their standard of living is falling, they will take means to get food or its equivalent that they would not think of adopting except from need. This is doubly true when a family is dependent for its daily bread upon its own efforts.

Always bearing in mind that most criminals are men whose equipment and surroundings have made it difficult for them to make the adjustments to environment necessary for success in life, we may easily see how any increase of difficulties will lead to crime. Most men are not well prepared for life. Even in the daily matter of the way to spend their money, they lack the judgment necessary to get the most from what they have. As families increase, debts increase, until many a man finds himself in a net of difficulties with no way out but crime. Men whose necessities have led them to embezzlement and larceny turn up so regularly that they hardly attract attention. Neither does punishment seem to deter others from following the same path

although the danger of detection, disgrace and prison is perfectly clear.

Sometimes, of course, men of education and apparent lack of physical defect commit property crimes. Bankers often take money on deposit after the bank is insolvent. Not infrequently they forge notes to cover losses and in various ways manipulate funds to prevent the discovery of insolvency. As a rule the condition of the bank is brought about by the use of funds for speculation, with the intention of repaying from what seems to be a safe venture. Sometimes it comes through bad loans and unforeseen conditions. Business men and bankers frequently shock their friends and the community by suicide, on disclosures showing they have embezzled money to use on some financial venture that came to a disastrous end.

These cases are not difficult to understand. The love of money is the controlling emotion of the age. Just as religion, war, learning, invention and discovery have been the moving passions of former ages, so now the accumulation of large fortunes is the main object that moves man. It does not follow that this phase will not pass away and give place to something more worth while, but while it lasts it will claim its victims, just as other strong emotions in turn have done. The fear of poverty, especially by those who have known something of the value of money, the de-

sire for the power that money brings, the envy of others, the opportunities that seem easy, all these feelings are too strong for many fairly good "machines," and bring disaster when plans go wrong.

Only a small portion of those who have speculated with trust funds are ever prosecuted. Generally the speculation is successful or at least covered up. Many men prefer to take a chance of disgrace or punishment or death rather than remain poor. These are not necessarily dishonest or bad. They may be more venturesome, or more unfortunate; at any rate, it is obvious that the passion for money, the chance to get it, the dread of poverty, the love of wealth and power were too strong for their equipment, otherwise the pressure would have been resisted. The same pressure on some other man would not have brought disaster.

The restrictions placed around the accumulation of property are multiplying faster than any other portions of the criminal code. It takes a long time for new customs or habits or restraints to become a part of the life and consciousness of man so that the mere suggestion of the act causes the reaction that doing it is wrong. No matter how long some statutes are on the books, and how severe the penalties, many men never believe that doing the forbidden act is really a crime. For instance, the violations of many revenue laws, game laws, prohi-

bition laws, and many laws against various means of getting property are often considered as not really criminal. In fact, a large and probably growing class of men disputes the justice of creating many legal rules in reference to private property.

Primitive peoples, as a rule, held property in common. Their inhibitions were few and simple. They took what they needed and wanted in the easiest way. There is a strong call in all life to hark back to primitive feelings, customs and habits. Many new laws are especially painful and difficult to a large class of weak men who form the bulk of our criminal class.

To understand the constant urge to throw off the shackles of civilization, one need but think of the number of men who use liquor or drugs. One need only look at the professional and business man, who at every opportunity leaves civilization and goes to the woods to kill wild animals or to the lakes and streams to fish.

The call to live a simple life, free from the conventions, customs and rules, to kill for the sake of killing, to get to the woods and streams and away from brick buildings and stone walls, is strong in the constitution of almost every man. Probably the underlying cause of the world war was the need of man to relax from the hard and growing strain of the civilization that is contin-

ually weaving new fetters to bind him. There must always come a breaking point, for, after all, man is an animal and can live only from and by the primitive things.

Children have no idea of the rights of property. It takes long and patient teaching, even to the most intelligent, to make them feel that there is a point at which the taking of property is wrong. Nowhere in Nature can we see an analogy to our property rights. Plants and animals alike get their sustenance where and how they can. It is not meant here to discuss the question of how many of the restrictions that control the getting of property are wise and how many are foolish; it is only meant to give the facts as they affect life and conduct.

It is certainly true that the child learns very slowly and very imperfectly to distinguish the ways by which he may and may not get property. His nature always protests against it as he goes along. Only a few can ever learn it in anything like completeness. Many men cannot learn it, and if they learned the forbidden things they would have no feeling that to disobey was wrong. Even the most intelligent ones never know or feel the whole code, and in fact, lawyers are forever debating and judges doubting as to whether many ways of getting property are inside or outside the law. No doubt many of the methods that intelligent and re-

spected men adopt for getting property have more inherent criminality than others that are directly forbidden by the law. It must always be remembered that all laws are naturally and inevitably evolved by the strongest force in a community, and in the last analysis made for the protection of the dominant class.

XV

ATTITUDE OF THE CRIMINAL

Probably the chief barrier to the commission of crime is the feeling of right and wrong connected with the doing or not doing of particular acts. All men have a more or less binding conscience. This is the result of long teaching and habit in matters of conduct. Most people are taught at home and in school that certain things are right and that others are wrong. This constant instruction builds up habits and rules of conduct, and it is mainly upon these that society depends for the behavior of its citizens. To most men conscience is the monitor, rather than law. It acts more automatically, and a shock to the conscience is far more effective than the knowledge that a law is broken. For the most part the promptings of conscience follow pretty closely the inhibitions of the criminal code, although they may or may not follow the spirit of the law. Each person has his own idea of the relative values attached to human actions. That is, no two machines respond exactly alike as to the relative importance of different things. No two ethical commands have the same importance

to all people or to any two people. Often men do not hesitate to circumvent or violate one statute, when they could never be even tempted to violate another.

Ordinarily unless the response of conscience is quick and plain, men are not bothered by the infraction of the law except, perchance, by the fear of discovery. This is quite apart from the teaching that it is the duty of all men to obey all laws, a proposition so general that it has no effect. Even those who make the statement do not follow the precept, and the long list of penal laws that die from lack of enforcement instead of by repeal is too well known to warrant the belief that anyone pays serious attention to such a purely academic statement. No one believes in the enforcement of all laws or the duty to obey all laws, and no one, in fact, does obey them all. Those who proclaim the loudest the duty of obedience to all laws never obey, for example, the revenue laws. These are clear and explicit, and yet men take every means possible to have their property exempted from taxation — in other words, to defraud the State. This is done on the excuse that everyone else does it, and the man who makes a strict return according to law would pay the taxes of the shirkers. While this is true, it simply shows that all men violate the law when the justification seems sufficient to them. The laws against

blasphemy, against Sunday work and Sunday play, against buying and transporting intoxicating liquors and smuggling goods are freely violated. Many laws are so recent that they have not grown to be folk-ways or fixed new habits, and their violation brings no moral shock. In spite of the professions often made, most men have a poor opinion of congressmen and legislators, and feel that their own conscience is a much higher guide for them than the law.

Religions have always taught obedience to God or to what takes His place. Religious commands and feelings, are higher and more binding on man than human law. The captains of industry are forever belittling and criticising all those laws made by legislatures and courts which interfere with the unrestricted use of property. None of this sort of legislation has their approval and the courts are regarded as meddlesome when they enforce it. The anti-trust laws, the anti-pooling laws, factory legislation of all kinds, anything in short that interferes with the unrestricted use of property by its owner are roundly condemned and violated by evasion. On the other hand, so much has been written and said in reference to the creation of the fundamental rights to own property, and these rights depend so absolutely upon social arrangements and work out such manifest injustice and inequality, that there is always a deep-seated

feeling of protest against many of our so-called property laws. From those who advocate a new distribution of wealth and condemn the injustice of present property rights, the step is quite short to those who feel the injustice and put their ideas in force by taking property when and where they are able to get it.

For instance, a miner may believe that the corporation for which he works really has no right to the gold down in the mine. As he is digging he strikes a particularly rich pocket of high-grade ore. He feels that he does no wrong if he appropriates the ore. Elaborate means are taken to prevent this, even compelling the absolute stripping of the workman, and a complete change of clothes on going in and coming out of the mine.

Many laws are put on the books which are of a purely sumptuary nature; these attempt to control what one shall do in his own personal affairs. Such laws are brought about by organizations with a "purpose." The members are anxious to make everyone else conform to their ideas and habits. Such laws as Sunday laws, liquor laws and the like are examples. Then, too, every state or nation carries a large list of laws that men have so long violated and ignored, that they virtually are dead. To violate these brings no feeling of wrong, but only serves to make men doubt the evil of violating any law.

It is never easy to get a Legislature to repeal a law. Generally some organization or committee of people is interested in keeping it alive, and the members of the Legislature fear losing their votes. Social ideas are always changing. No laws or customs are eternal. The ordinary man, and especially the man under the normal, cannot keep up with all the shifting of a changing world. There is always a fraction of a community agitating for something new and gradually forcing the Legislature to put it into law, even against the will of the majority and against the sentiment of a large class of the community. The organization that wants something done is always aggressive. The man who wants to prevent it from being done is seldom unduly active or even alarmed. Many organizations are eager to get statutes on the books. One seldom hears of a society or club that is active in getting laws repealed. The constant change of law, the constant fixing of new values in place of old ones, is necessary to social life. This means putting new wine into old bottles, and wine that is much too strong for the bottles. Everybody can see why some particular law might be violated without a sense of guilt, but they cannot see how a law they believe in can be violated without serious obliquity.

Apart from this, there have always been crimes that were not of the class that implied moral wrong.

The acts of the revolutionist who saw, or thought he saw, visions of something better; the man who is inspired by the love of his fellow-man and who has no personal ends to gain; the man who in his devotion to an idea or a person risks his life or liberty or property or reputation, has never been classed with those who violate the law for selfish ends. The line of revolutionists, from the beginning of organized government down to the birth of the United States and even to the present time, furnishes ample proof of this. And still the unsuccessful revolutionist meets with the severest penalties. To him failure generally means death. Men who are fired with zeal for all new causes are forever running foul of the law. Social organization, like biological organization, is conservative. All things that live are imbued with the will to live and they take all means in their power to go on living. The philosopher can neither quarrel with the idealist who makes the sacrifice nor the organization that preserves itself while it can; he only recognizes what is true.

Men have always been obliged to fight to preserve liberty. Constitutions and laws do not safeguard liberty. It can be preserved only by a tolerant people, and this means eternal conflict. Emerson said that the good citizen must not be over-obedient to law. Freedom is always trampled on in times of stress. The United States suffered

serious encroachments on liberty during the Civil War. During the last war, these encroachments were greater than any American could have possibly dreamed; and so far there seems little immediate chance for change. Still the philosopher does not complain. He sees human passion for what it is, a great emotion that holds men in its grasp, a feeling that nothing can stand against. Opposition is destroyed by force, and often blind, cruel, unreasoning force. Sometimes even worse, this force is created for selfish ends. There are always those who will use the strongest and highest emotions of men to serve their private, sordid ends. Changing social systems, new political ideas, the labor cause, all movements for religious, social or political change have their zealots; they are met by the force of convention and conservatism ready to defend itself, and the clash is inevitable. It is easy to distinguish this sort of action from the things done by those who are known as criminals. Their acts are done to serve personal ends. Society may always punish both, but all men of right ideas will understand that the motive is different, the equipment and capacity of the men are different, and they are only in the same class because they each violate the law and are each responsive to emotions and to feelings that are of sufficient strength to compel action.

XVI

THE LAW AND THE CRIMINAL

If one were ill with a specific disease and he were sent to a hospital, every person who touched him, from the time his disease was known until he was discharged, would use all possible effort to bring him back to health. Physiology and psychology alike would be used to effect a cure. Not only would he be given surroundings for regaining health and ample physical treatment, but he would be helped by appeals in the way of praise and encouragement, even to the extent of downright falsehood about his condition, to aid in his recovery.

If such is done of "disease," why not of "crime"? Not only is it clear that crime is a disease whose root is in heredity and environment, but it is clear that with most men, at least when young, by improving environment or adding to knowledge and experience, it is curable. Still with the unfortunate accused of crimes or mis-

demeanors, from the moment the attention of the officers is drawn to him until his final destruction, everything is done to prevent his recovery and to aggravate and make fatal his disease.

The young boy of the congested districts, who tries to indulge his normal impulses for play, is driven from every vacant lot; he is forbidden normal activity by the police; he has no place of his own; he grows to regard all officers as his enemies instead of his friends; he is taken into court, where the most well-meaning judge lectures him about his duties to his parents and threatens him with the dire evils that the future holds in store for him, unless he reforms. If he is released, nothing is done by society to give him a better environment where he can succeed. He is turned out with his old comrades and into his old life, and is then supposed by strength of will to overcome these surroundings, a thing which can be done by no person, however strong he may be.

For the graver things, the boy or man is taken to the police station. There he is photographed and his name and family record taken down even before he has had a hearing or a trial. He is handled by officers who may do the best they can, but who by training and experience and for lack of time and facilities are not fitted for their important positions. I say this in spite of the fact that my experience has taught me that policemen,

as a rule, are kindly and human. From the police station the offender is lodged in jail. Here is huddled together a great mass of human wreckage, a large part of it being the product of imperfect heredities acted upon by impossible environments. However short the time he stays, and however wide his experience, the first offender learns things he never knew before, and takes another degree in the life that an evil destiny has prepared for him. In the jail he is fed much like the animals in the zoo. In many prisons the jailer is making what money he can by the amount he can save on each prisoner he feeds above the rate the law allows of twenty-five or fifty cents a day. In a short time the prisoner's misery and grief turn to bitterness and hate; hatred of jailer, of officers, of society, of existing things, of the fate that overshadows his life. There is only one thing that offers him opportunity and that is a life of crime. He is indicted and prosecuted. The prosecuting attorney is equipped with money and provided with ample detectives and assistants to make it impossible for the prisoner to escape. Everyone believes him guilty from the time of his arrest. The black marks of his life have been recorded at schools, in police stations and examining courts. The good marks are not there and would not be competent evidence if they were. Theoretically the State's Attorney is as much bound to protect

him as to prosecute him, but the State's Attorney has the psychology that leads to a belief of guilt, and when he forms that belief his duty follows, which is to land the victim in prison. It is not only his duty to land him in jail, but the office of the State's Attorney is usually a stepping-stone to something else, and he must make a record and be talked about. The public is interested only in sending bad folks to jail.

No doubt there are very few State's Attorneys who would knowingly prosecute unless they believed a man guilty of the offense, but it is easy for a State's Attorney to believe in guilt. Every man's daily life is largely made up of acts from which a presumption of either guilt or innocence can be inferred, depending upon the attitude of the one who draws the inference.

To a State's Attorney or his assistants the case is one that he should win. All cases should be won. Even though he means to be fair, his psychology is to win. No lawyer interested in a result can be fair. The lawyer is an advocate trying to show that his side is right and trying to win the case. The fact that he represents the State makes no difference in his psychology. In fact, he always tells the jury that he represents the State and is as much interested in protecting the defendant as in protecting society. He does this so that the jury will give his statements more weight than the

statements of the lawyer for the defense, and this very remark gives him an advantage that is neither fair nor right.

The man on trial is almost always poor. It is only rarely that a poor man can get a competent lawyer to take his case. He is often handed over to the court for the appointment of a lawyer. The lawyer has no time or money to prepare a defense. As a rule he is a beginner not fitted for his job. If he wishes to take the case, he wants it only for the experience and advertising that it will bring. He is handed a case to experiment on, just as a medical student is handed a cadaver to dissect. If the defendant is in jail, he has little chance to prepare his case. If the defendant had any money he would not know what to do with it. He is often a mentally defective person. His friends are of the same class and can do little to help him. The jury are told that they must presume him innocent, but the accusation alone carries with it the presumption of guilt, which extends to everyone connected with the case, even to the lawyer appointed to defend him. It is almost a miracle if the defendant is not convicted.

Perhaps he is taken out to be hanged—the last act that society can do for him, or the convicted man is sent to prison for a long or shorter term. His head is shaved and he is placed in prison garb; he is carefully measured and photographed in his

prison clothes, so that if he should ever get back to the world he will forever be under suspicion. Even a change of name cannot help him. While in prison he works and lives under lock and key, like a wild animal, eager to escape. On certain days he is allowed to sit at a long table with other unfortunates like himself, and visit for an hour with mother or father or wife or son or daughter or friend on the other side. Other prisoners, so far as he can associate with them, are as helpless and hopeless and rebellious as he. How they will get out, and when, are their chief concerns. Many of their guards are very humane. Probably no one seeks to torture him, but the system and the psychology are fatal. He sees almost no one who approaches him with friendship and trust and a desire to help, except his family, his closest friends and his companions in misery. He knows that the length of his term is entirely dependent upon officials whom he cannot see or make understand his case. He snatches at the slightest ray of hope. He is in despair from the beginning to the end. No prison has the trained men who, with intelligence and sympathy, should know and watch and help him in his plight. No state would spend the money necessary to employ enough attendants and aids with the learning and skill necessary to build him up. Money is freely spent on the prosecution from the beginning to the end, but no effort is

made to help or save. The motto of the state is: "Millions for offense, but not one cent for reclamation."

As all things end, prison sentences are generally finished. The prisoner is given a new suit of clothes that betrays its origin and will be useless after the first rain, ten dollars in cash, and he goes out. His heredity and his hard environment have put him in. Now the state is done with him; he is free. But there is only one place to go. Like any other released animal, he takes the same heredity back to the old environment. What else can he do? His old companions are the only ones who will give him social intercourse, which he needs first of all, and the only ones who understand him. They are the only ones who will be glad to see him and help him get a job. There is only one profession for which he is better fitted after he comes out than he was before he went in, and that is a life of crime. Of course, he is a marked man and a watched man with the police. When a crime is committed and the offender is not found, the ex-convict is rounded up with others of his class to see, perchance, if he is not the offender that is wanted. He is taken to the lock-up and shown with others to the witnesses for identification. Before this, the witness may have been shown his photograph in convict clothes. Perhaps they identify him, perhaps they do not; if identi-

fied, he may be the man or he may not be. Anyhow, he has been in prison and this is against him. Whenever he comes out and wherever he goes, his record follows him as closely as his shadow. Even his friends suspect him. They suspect him even when they help him.

Such is the daily life of these unfortunates. What can be done? I can see nothing that the officers of the law can do. Officers represent the people. They reflect mob psychology. Even though an officer here and there rises above the crowd, as he sometimes does, it is of no avail. His place soon is filled by someone else. If only the public would understand! If only the public were more intelligent, which in this case at least would mean more human! If only the statement I repeat so often could be understood! There are no accidents; everything is the result of law. All phenomena are a succession of causes and effects. The criminal is the result of all that went before him and all that surrounds him. Like every other mortal, he is a subject for pity and not for hatred. If society is not safe while he is at large, he must be confined and kept under guard and observation. He must be kept until he is safe and a favorable environment found for him. If he will never be safe for society, he should never be released. He must not be humiliated, made to suffer unduly, despised or harried. He must be helped if he can

be helped. This should be the second, if not the first object of his confinement.

Assuming that the scientific attitude toward crime should be accepted by those who make public opinion, and that this should become crystallized into written law, the problem would be easy.

The officers of the state can, as a rule, be depended upon to deal properly and considerately with the known insane. The insane are more trying and difficult than the criminal. Courts and juries and the public, however, recognize their mental condition and do not visit them with vengeance. It is appreciated and understood that they cannot with safety be left at large; but they are given the care and consideration that their condition demands. If the criminal should be looked upon as are the creatures insane from natural causes, the State's Attorney could then be trusted to prepare the case and do the best he could for all concerned. The defendant would no longer be a defendant. His case would be under investigation; his past life would be shown, his credits as well as his debits; he would need no lawyer, not even a public defender; no jury would be required, and the uncertainties and doubts that hang around judgments would be removed. There would be little chance for a miscarriage of justice. Even should there be, it would result in the speedy release of one against whom the public bore no ill-

will. One who was sick or insane would ordinarily not need a lawyer, as the state would bear him no malice and make no effort to do more than investigate the case and present the facts. The whole matter should be a purely scientific attempt to find out the best thing to be done both for the interest of the public and the interest of the man.

No doubt, in many cases, men are convicted who are perfectly innocent of the crime of which they are accused. This is especially true with the poor who can provide for no adequate defense and who perhaps have been convicted before of some misdemeanor or crime. This is also often true in cases where there is great prejudice against the defendant, either on account of the nature of the case or of the defendant on trial. For instance, during the recent war a wave of hysteria swept over the world, and courts and juries trampled on individual rights and freely violated the spirit of laws and constitutions. The close of the war left the same intense feelings of bitterness which made justice impossible in cases where the charge savored of treason, and involved criticism of the government, or advocacy of a change of political systems.

Questions of race, religion, politics, labor and the like have always awakened violent feelings on all sides, have made bitter partisans and strict lines of cleavage, and have made verdicts of juries

and judgments of courts the result of fear and hatred. In spite of this, most of the inmates of prisons have done the acts charged in the indictments. Why they did them, their states of mind, the conditions and circumstances surrounding them, what can be done to make them stronger and better able to meet life are never ascertained, and few courts or juries have ever deemed these things proper subjects for consideration or in any way involved in the case.

In law every crime consists of two things: an act and an intent. Both are necessary to constitute legal guilt, and on the prevalent theory of moral guilt and punishment both are necessary to make up criminal conduct. There can be no legal or moral guilt unless one intends wickedness; unless he deliberately does the act because he wishes to do wrong and knows he does wrong. The question then of moral guilt, which is necessary to the commission of a criminal act, touches all the questions suggested and many more. Even if freedom of action is to some degree assumed, the question still remains as to the degree of guilt in fixing punishment and responsibility. The question involves the make-up of the man, his full heredity, so far as it can be known.

Most of every man's heredity is hidden in the mist and darkness of the past. He inherits more or less directly through an infinite number of

ancestors, reaching back to primitive man and even to the animals from whom he came. The remote ancestry is, of course, usually not so important as that immediately behind him. Still, plainly, his form and structure and the details of his whole machine, including the marvelously delicate mechanism of the brain and nervous system, are heritages of the very ancient past. Neither are the processes of inheritance well understood nor subject to much control. Often in the making of the man Nature resorts to some "throw-back" which reproduces the ancient heritage. This can be seen only in general resemblances and behavior, for the genealogical tree of any family is very short and very imperfectly known, and the poor have no past. In three or four generations at the most the backward trail is lost and his family merged with the species of which he forms but a humble part.

Enough, however, is known of ancestry and the infinite marks of inheritance on every structure as well as enough of the reaction of the human machine to the varied environment that surrounds it, to make it clear that if one were all-seeing and all-wise he could account in advance for every action of every man. More than this, he could see in the original, fertilized cell, all its powers, defects and potentialities and could, in the same manner, look down through the short years during which the human organism, grown from the cell, shall

have life and movement, and could see its varied environment. If one could see this with infinite wisdom, he could infallibly tell in advance each step that the machine would take and infallibly predict the time and method of its dissolution. To be all-knowing is to be all-understanding, and this is infinitely better than to be all-forgiving.

To get this knowledge of the past of each machine is the duty and work of the tribunal that passes on the fate of a man. It can be done only imperfectly at best. The law furnishes no means of making these judgments. All it furnishes is a tribunal where the contending lawyers can fight, not for justice, but to win. It is little better than the old wager of battle where the parties hired fighters and the issue was settled with swords. Oftentimes the only question settled in court is the relative strength and cunning of the lawyers. The tribunal whose duty it is to fix the future place and status of its fellowmen should be wise, learned, scientific, patient and humane. It should take the time and make its own investigation, and it can be well done in no other way. When public opinion accepts the belief that punishment is only cruelty, that conduct is a result of causes, and that there is no such thing as moral guilt, investigations and sorting and placing of the unfortunate can be done fairly well. The mistakes will be very few and easily corrected when dis-

covered. There will be no cruelty and suffering. The community will be protected and the individual saved.

Neither will this task be so great as it might seem at first glance. Trials would probably be much shorter than the endless, senseless bickering in courts, the long time wasted in selecting juries and the many irrelevant issues on which guilt or innocence are often determined, make necessary now. Most of the criminal cases would likewise be prevented if the state would undertake to improve the general social and economic condition of those who get the least. Only a fraction of the money spent in human destruction, in war and out, would give an education adapted to the individual, even to the most defective. It would make life easy by making the environment easy. Only a few of the defective, physically and mentally, would be left for courts to place in an environment where both they and society could live. Perhaps some time this work will be seriously taken up. Until then, we shall muddle along, fixing and changing and punishing and destroying; we will follow the old course of the ages, which has no purpose, method or end, and leaves only infinite suffering in its path.

XVII

REPEALING LAWS

It is comparatively easy to get a penal statute on the books. It is very hard to get it repealed. Men are lazy and cowardly; politicians look for votes; members of legislatures and Congress are not so much interested in finding out what should be done, as they are in finding out what the public think should be done. Often a law lingers on the books long after the people, no longer believing the forbidden thing to be wrong, have repealed it. The statute stays, to be used by mischievous people and by those who believe in the particular law.

Often the unthinking lay hold of a catch-word or a pet phrase and repeat and write it, as if it were the last word in social science and philosophy. General Grant, when president, stumbled on such a silly combination of words, and surface-thinkers have been repeating it ever since, simply because it sounds wise and pat. Grant once said that, "The way to repeal a bad law is to enforce it." Grant was not a statesman or a philosopher. He was a soldier. He probably heard some one use this phrase, and it sounded good to him. Out of

that has grown the further statement which courts and prosecutors have used to excuse themselves for the cruelty of enforcing a law that does violence to the feelings of the people. This statement is to the effect that so long as the law is on the books, it is the duty of officers to enforce it. The smallest investigation of the philosophy of law shows how silly and reactionary such statements are.

One thing should be remembered. Laws really come from the habits, customs and feelings of the people, as interpreted or understood by legislative bodies. When these habits and customs are old enough they become the folk-ways of the people. Legislatures and courts only write them down. When the folk-ways change the laws change, even though no legislature or judge has recorded their repeal.

Since Professor Sumner of Yale University wrote his important book, "*Folkways*," there is no excuse for any student not knowing that this statement is true. As a matter of fact, no court ever enforced all the written laws, or ever would, or ever could. Only a part of the discarded criminal law is ever repealed by other laws. The rest dies from neglect and lack of use. It is like the rudimentary parts of the human anatomy. Man's body is filled with rudimentary muscles and nerves that, in the past, served a purpose. These were never removed by operations, but died from dis-

use. Every criminal code is filled with obsolete laws, some of them entirely dead, others in the course of dissolution. They cannot be repealed by statute so long as an active minority insists that they remain on the books. When the great mass no longer wants them, it is useless to take the trouble to repeal them. The fugitive slave law was never believed in and never obeyed, and it was openly violated and defied by the great mass of the people of the North. The Fourteenth and Fifteenth Amendments to the Federal Constitution, and the statutes passed to enforce them, providing political and civil equality for the black man, and forbidding discrimination on railroads, in hotels, restaurants, theatres and all public places, have never really been the law in any state in the Union. Their provisions have always been openly violated and no court would think of enforcing them, for the simple reason that public sentiment is against it. Laws condemning witchcraft and sorcery both in Europe and America did their deadly work and died, for the most part, without repeal. Sabbath laws of all sorts forbidding work and play and amusements are dead letters on the statute books of most states, in spite of many attempts to galvanize them into life. All kinds of revenue laws are openly violated. Most tax-payers of intelligence who own property violate the revenue law openly and notoriously, and all courts and officers

as well as the public know it. Many laws which interfere with the habits, customs and beliefs of a large number of people, like the prohibition laws, never receive the assent of so large a percentage as to make people conscious of any wrong in violating them, and therefore people break them when they can. Often this class of laws is enforced upon offenders who believe the law is an unwarrantable interference with their rights, and thus causes convictions where no moral turpitude is felt.

Every new crusade against crime not only sweeps away a large amount of work that has been slowly and patiently done toward a right understanding of crime, but likewise puts new statutes on the books which would not be placed there if the public were sane. When it does not do this, it increases penalties which work evil in other directions and awe courts, juries, governors and pardon boards, not only preventing them from listening to the voice of humanity and justice, but causing them to deny substantial rights and wreak vengeance and cruelty upon the weak and helpless.

XVIII

IS CRIME INCREASING?

The question is often asked, is crime increasing? Statistics of all kinds can be gathered on this subject. In the main they seem to show that crime is on the increase in most civilized countries. It is very unsafe to use statistics without at the same time considering all the questions on which conduct rests. An increase of crime, as shown by statistics, may mean that the records are kept more completely than in former times. It may mean temporary causes like bad times are adding to the number of arrests and convictions. It may mean new classifications. It may mean that figures are based on arrests instead of convictions. It may include misdemeanors with graver offenses. It may or may not include repeaters. Statistics in any field are useful, but usually for broad generalizations, and they must always be interpreted by men of experience who are not interested in the results. Still, on the whole, it is probable that statistics show that crime is on the increase. What have reason and human experience to say on the subject?

We should always bear in mind that crime can never mean anything except the violation of law, when the violator is convicted; that it has no necessary reference to the general moral condition of man. Is the number of criminal convictions growing, and if so why? In the first place, the criminal code is lengthening every year. When civilized man began making criminal codes, there were comparatively few things forbidden. The codes were largely made up of those acts which, in some form, have for ages been generally thought to be criminal. Religious beliefs, customs and habits were included in the penal statutes. So were such things as sorcery and witchcraft. Property was then not an important subject in man's activities. When the instinct to create and accumulate property began to rule life, the criminal code grew very rapidly. Complex business interests, combined with the constantly increasing value placed on property, were always calling for new statutes.

The same tendency, indirectly, demanded still other statutes until at the present time this class of crimes makes up a large part of the criminal code and is growing steadily each year. Then too, the necessity of property has called for the violation of this part of the criminal code more than any other, and it has naturally caused a considerable increase of crime. Man in his social and political

activities is ever weaving and bending and twisting back and forth. For a number of years the universal tendency, especially in America, has been toward what is called "Social Control", the idea being that more and more people should be controlled in an increasing number of ways. Of course, if people are to be controlled they must be controlled by other people. This policy has been extended until we are ever pushing further into the regulation of the habits, customs and lives of all the individual members of the community. The majority, when it has the power, has never hesitated to force its ways of living, its ideas, customs and habits on the minority. The majority, when strong enough, has always assumed that it was right, and provided that others must live its way or not at all. The pendulum is now swinging far this way as is evidenced by prohibition, the persistent campaign for Sunday laws, and the growing belief in social control as a means of changing and directing humanity.

This has added to the criminal code and has increased the number of men in prisons. Two statutes of recent date in most of the states are responsible for a very large increase in the number of convicts. The conspiracy statute which is used today is a deliberate scheme on the part of prosecutors to get men into the penitentiary by charging an agreement or confederation of two or more persons

to do something, which, if really committed, would be a misdemeanor, or no crime whatever. Under this charge, whether made specifically or in connection with another crime, the rules of evidence have been opened and relaxed until the wildest and most remote hearsay is freely admitted for the plain purpose of convicting men who have really been guilty of no specific act. It is in effect punishing one of his thoughts; the business of the court or jury being to find out whether in some particular he has an evil mind.

The statute forbidding the use of the "confidence game" in obtaining property sends to prison a constant stream of persons who, until a few years ago, would have been guilty of no crime. This law, as interpreted by the courts, really means the procuring of money by dishonest means. Under this statute the court and jury hear the evidence and say whether the means charged are dishonest or not. This, of course, leaves the law so that the temporarily prevailing power, perhaps only the prosecuting attorney, may send men to prison who take means of getting money that are not practiced or at least advocated by the ones who procure the passage and enforcement of the law.

Numberless ways used by the strong to get money are considered dishonest by a large class of men and women: exaggerated and lying advertisements, forestalling the markets, the acts and

wiles of the professional salesman, misrepresenting goods and other methods that could never be catalogued because new ways are constantly coming to light. The logical end of all these indefinite and uncertain laws is to pass one statute providing that whoever does wrong shall be imprisoned, *et cetera, et cetera*. The law never can specify all the ways of doing wrong and many of the meanest and most annoying things have never been, and from the nature of things never can be, prohibited by the statutes. No man is a good citizen, a good neighbor, a good friend, or a good man just because he obeys the law. The intrinsic worth is determined mainly by the intrinsic make-up.

Civilization is all the while making it harder for men to keep out of prison. Especially do the weak and ignorant and poor find that environment is constantly creating more inhibitions as time goes on. While rules and customs are prohibiting more and more ways of getting property, the needs growing out of civilization are always increasing. The simple inexpensive life of the past has given place to a more complex way of living, which calls for greater expense and harder work. It has created rivalry and jealousy to get the things that others have, and has placed men in a mad race with each other which often leads to jail or death.

Students of biology are constantly noting the difficulty that hereditary human traits, which

have been evolved for simple reactions and plain living, find in making the necessary adjustments to the extravagant demands and complicated environment of the present day. This departure from the old normal and simple environment, due largely to machinery and commerce, is not only destroying individual lives by the thousands, but is seriously threatening the whole social fabric.

The creation of new courts, like "Boys' Courts," "Juvenile Courts," "Courts of Domestic Relations," "Moral Courts," with their array of "Social Workers," "Parole Agents," "Watchers," *et cetera,* shows the growth of crime and likewise the hopelessness of present methods to deal effectively with a great social question. Numbers of people in our big cities are making their living from the abnormal lives of children. Whether they are doing good or not, or whether their service is unselfish, as much of it doubtless is, are both quite aside from the question. The important fact is that the present system brings no results and that the disease is growing.

Instead of any considerable number of people taking hold of the question of crime, as physicians have taken hold of disease, and seeking to find its cause and to remove that cause, we content ourselves with prosecuting and punishing and visiting with misery and shame, not only the boys and girls, the men and women, who are the

victims of life, but the large number of fathers, mothers, brothers, sisters, sons and daughters, whose lives are ruined by a catastrophe with which at least they had nothing to do. If a doctor were called in to treat a case of typhoid fever, he would probably find out where the patient got his milk supply and his drinking water and would have the well cleaned out to stop the spread of typhoid fever through infection. A lawyer called to treat the same kind of a case, legally speaking, would give the patient thirty days in jail, thinking that this treatment would effect a cure. If at the end of ten days the patient were cured, he would nevertheless be kept in prison until his time was out. If at the end of thirty days the disease was more infectious than ever, the patient would be discharged and sent upon his way to spread contagion in his path.

The transgression of organized society in the treatment of crime would not be so great if students and scientists had not long since found the cause of crime. It would be hard to name a single man among all the men of Europe and America who have given their time and thought to the solution of this problem, who has not come to the conclusion that crime has a natural origin, and that the criminal for the most part is the victim of heredity and environment. These students have pointed the way for the treatment of the disease,

and yet organized government that spends its millions on prosecutions, reformatories, jails, penitentiaries and the like, has scarcely raised its hand or spent a dollar to remove the cause of a disease that brings misery and despair to millions and threatens the destruction of all social organization! To the teaching of the student and the recommendations of the humane the mob answers back: " Give us more victims, bigger jails, stronger prisons, more scaffolds! "

Not only has the constant multiplication of penal laws helped without avail to fill jails, but the failure to repeal laws that are outgrown does its part. As already stated, there are many anti-social and annoying things that can be done without violating the law. This, no doubt, is responsible for some of the general statutes like that aimed at the confidence game that catches a victim when the crime is not clearly defined as in " robbery," " burglary," "larceny" and the like. Still it has been the general opinion of those who have studied crime and influenced the passage of penal laws, that criminal statutes should be clear and explicit so that all would know what they must not do. It is obvious that if one is to be punished simply for doing wrong, there could be no judges or juries or jailors condemning and punishing and no crowds shouting for vengeance. All do wrong and do it over and over again, and day by day. It is not only those specific

things that the great majority think are wrong, but the graver offenses that are meant to be the subject of criminal codes. Of course, codes do not work out this way in practice. In effect, they forbid the things that the strongest forces of the community wish forbidden, things which may or may not be the gravest and most anti-social acts, but which at least seem to the strong to be most hostile to their interests and ruling emotions.

XIX

MEDICAL EXPERTS

So long as the ordinary ideal of punishment prevails, a crime must consist of an act coupled with an intent to do the thing, which probably means an intent to do evil. This is no doubt the right interpretation of intent, although cases can be found, generally of a minor grade, which hold that evil intent is not necessary to the crime. Under the law as generally laid down, insanity is a defense to crime when the insanity is so far advanced as to blot out and obliterate the sense of right and wrong or render the accused unable to choose the right and avoid the wrong. Of course, legal definitions of scientific terms, processes, or things, do not ordinarily show the highest wisdom. It is safe to say that few judges or lawyers have ever been students of insanity, of the relation of "will" to "conduct," or of other questions of science or philosophy. Each man confines himself to his field of operation, and the love of living does not induce him to go far from the matter in hand, which to him means the base of supplies.

The insane are exempted from punishment for crime on the ground that they are not able to prepare and attend to their cases when placed on trial and on the further ground that their "free will" is destroyed by disease or "something else," and therefore they could form no intent. In another place I have tried to point out the fact that the acts of the sane and the insane are moved by like causes, but this is not the theory of the law.

Insanity is often very insidious. Many cases are easily classified, but there is always the border line, the twilight zone, which is sure to exist in moral questions and in all questions of human conduct, and this is hard to settle. It is generally determined by the feelings of a jury, moved or not by the prejudice of the public, depending on whether the community has been lashed or persuaded to take a hand in the conduct of the case.

Lawyers and judges are not psychologists or pschiatrists, neither are juries. Therefore the doctor must be called in. As a rule, the lawyer has little respect for expert opinion. He has so often seen and heard all sorts of experts testify for the side that employs them and give very excellent reasons for their positive and contradictory opinions, that he is bound to regard them with doubt. In fact, while lawyers respect and admire many men who are expert witnesses, and while many such men are men of worth, still they know that the expert

is like the lawyer: he takes the case of the side that employs him, and does the best he can. The expert is an every-day frequenter of the courts; he makes his living by testifying for contesting litigants. Of course scientific men do not need to be told that the receipt of or expectation of a fee is not conducive to arriving at scientific results. Every psychologist knows that, as a rule, men believe what they wish to believe and that the hope of reward is an excellent reason for wanting to believe. It is not my intention to belittle scientific knowledge or to criticise experts beyond such general statements as will apply to all men. I have often received the services of medical experts when valuable time was given without any financial reward, purely from a sense of justice. But all men are bound to be interested in arriving at the conclusion they wish to reach. Furthermore, the contending lawyers are willing to assist them in arriving at the conclusions that the lawyer wants.

It is almost inevitable that both sides will employ experts when they have the means. The poor defendant is hopelessly handicapped. He is, as a rule, unable to get a skillful lawyer or skillful experts. A doctor's opinion on insanity is none too good, especially in a case where he is called only for a casual examination and has not had the chance for long study. The doctor for the prosecution may find that the subject can play cards

and talk connectedly on most things, and as he is casually visiting him for a purpose, he can see no difference between him and other men. This may well be the case and still have little to do with insanity. Experts called for the defense cannot always be sure that the patient truthfully answers the questions. A doctor must make up his mind from examining the patient, except so far as hypothetical questions may be used. In all larger cities, certain doctors are regularly employed by the prosecution. While it would be too much to say that they always find the patient sane, it is safe to say that they nearly always do. Especially is this true in times of public clamor, which affects all human conduct. A court trial with an insanity defense often comes down largely to the relative impression of the testimony of the experts who flatly contradict each other, leaving with intelligent men a doubt as to whether either one really meant to tell the truth. The jury knows that they are paid for their opinions and regards them more or less as it regards the lawyers in the case. It listens to them but does not rely upon their opinions. Expert testimony is always unsatisfactory in a contested case. Under present methods, it can never be any different.

There is another danger: juries do not know the difference in the standing, character and attainments of doctors, so the tendency is always

to find the man who will make the best appearance and testify the most positively for his side. This is unfair to the expert, unfair to science, and unfair to the case.

The method for overcoming this difficulty that has received most sanction from students is that experts shall be chosen by the state and appear for neither side. This, like most other things, has advantages and disadvantages. State officials, or those chosen by the state, usually come to regard themselves as a part of the machinery of justice and to stand with the prosecuting attorney for conviction. It will most likely be the same with state defenders. No one who really would defend could be elected or could be appointed, and it would work out in really having two prosecutors, one nominally representing the defense. A defendant should be left to get any lawyer or any expert he wishes. No one can be sure that the state expert will be better than the others. All one can say is that state experts may not be partisans, but, in effect, this would mean that they would not be partisans for the defendant. The constant association with the prosecutor, the officers of the jail, the public officials, and those charged with enforcing the law, would almost surely place them on the side of the state. Such men must be elected or appointed by some tribunal. This brings them to the attention of the public

and makes them dependent on the public. The expert's interest will then be the same as the interest of the prosecutor and the judge.

The prosecuting attorney is not a partisan. His office is judicial. He is not interested in convicting or paid for convicting, and yet, no sane person familiar with courts would think that the defendant could be safely left in his hands. Assuming he is honest, it makes little difference. Almost no prosecutor dares do anything the public does not demand. Neither, as a rule, has he training nor interest to study any subject but the law. The profounder and more important matters affecting life and conduct are a sealed book which he could not open if he would. Very soon under our political system the expert business would gravitate into the hands of politicians, the last group that should handle any scientific problem. I am free to confess the difficulties of the present system, but some other way may be even worse. It must always be remembered that this country is governed by public opinion, that public opinion is always crude, uninformed and heartless. In criminal cases there is no time to set it right. The position of the accused is hard enough at best. He is really presumed guilty before he starts. Every lawyer employed to any extent in criminal practice knows that in an important case his greatest danger is public opinion. He would not take the officers and

attachés of the court as jurors, although they might be good men, for their interest and psychology would be always for conviction.

If defendants were not regarded as moral delinquents, if the examination implied no moral condemnation, if it was only a scientific investigation as to where to place him if he is anti-social, if public opinion supported this view, then experts should be appointed by the court. On this phase of the case there would be little need of experts. I would be willing to go further and say that then, too, the partisan lawyer, the hired advocate, should disappear. The machinery of justice would be all-sufficient to take care of the liberties of every man, to give him proper treatment in disease, to restore him to freedom when safe, and, when that time does come, the unseemly contest in courts will disappear, and justice, tempered with mercy, will have a chance.

XX

PUNISHMENT

Assuming that man is justified in fixing the moral worth of his fellow; that he is justified in punishment for the purpose of making the offender suffer; and that these punishments according to the degree of severity will in some way pay for or make good the criminal act or protect or help society or prevent crime or even help the offender or someone else, what finally is the correct basis of fixing penalties?

No science, experience, or philosophy and very little humanity has ever been considered in fixing punishments. The ordinary penalties are first: fines, which generally penalize someone else more than the victim; these with the poor mean depriving families and friends of sorely needed money, and the direct and indirect consequences are sometimes small and sometimes very great. These can be readily imagined. If instead of fines a prison sentence is given, a sort of decimal system has been worked out by chance or laziness or symmetry of figures; certainly it has been done wholly regardless of science, for there is no chance to apply

science when it comes to degrading men and taking away a portion of their lives. Generally ten days is the shortest. From this the court goes to twenty, then thirty, then sixty, then three months, then six months, then one year.

Why not eleven days? Why not twenty-four days? Why not forty days? Why not seventy days? Why not four months or five, or eight or nine or ten months? Is there no place between six months in jail and a year in jail? The bids at an auction or the flipping of pennies are exact sciences compared with the relation between crime and punishment and the process of arriving at the right penalty. If in the wisdom of the members of the legislature the crime calls for imprisonment in the penitentiary, then the ordinary sentences run one, two, five, ten, fifteen, twenty, thirty years, and life, according to the hazard of the legislature, the whim of the court, the gamble of the jury, or the feeling and means of expression of the unthinking and pitiless crowd who awe courts and juries with their cries for vengeance.

Neither does punishment affect any two alike; the sensitive and proud may suffer more from a day in jail or even from conviction than another would suffer from a year. The various courts and juries of the different states fix different penalties. Even in the same state there is no sort of resemblance to the punishments generally given for

similar crimes. Some jurisdictions, some juries and some courts will make these three or four times as severe as others for the same things. Some days the same judge will give a longer sentence than on other days. In this judges are like all of us. We have our days when we feel kindly and sympathetic toward all mankind. We have our days when we mistrust and dislike the world in general and many people in particular. Largely the weather influences those feelings. Therefore, the amount of time a person spends in prison may depend to a great extent on the condition of the weather at the time of conviction or when sentence is passed. The physical condition of judge or jury, and above all, their types of mind, are all-controlling. No two men have the same imagination: some are harsh and cruel; others kind and sympathetic; one can weigh wheat and corn and butter and sugar; one can measure water and molasses and gasoline. When one measures or weighs, one can speak with exactness regarding the thing involved. Justice and mercy and punishment cannot be measured or weighed; in fact there is even no starting point. The impossibility of it all makes many of the humane and wise doubt their right to pass judgment upon their fellow man. Society no doubt is bound by self-protection to resist certain acts and to restrain certain men, but it is in no way bound to pass moral judgments.

Under any system based on a scientific treatment of crime, men would be taken care of as long as it was necessary to restrain them. It would be done in the best possible way for their own welfare. If they ever were adjudged competent to enter society again, they would be released when that time came. Neither under a right understanding, and a humane, scientific and honest administration, would it be necessary that places of confinement should be places of either degradation or misery. In fact the inmate might well be put where he could enjoy life more than he did before he was confined. It might and should be the case also that he could produce enough to amply take care of himself and provide for those who would naturally look to him for support, and perhaps make compensation for the injury he had caused to someone else.

It is obvious that this cannot be done until men have a different point of view toward crime. In the last hundred years much has been done to make prisons better and to make more tolerable the life of the inmates. This has been accomplished by men who looked on criminals as being at least to a certain extent like other men.

Above all, as things are now, the prison inmate has no chance to learn to conform unless hope is constantly kept before him. He should be like the convalescing invalid, able from time to time to note his gradual progress in the ability to make the ad-

justments that are necessary to social beings. No patient in a hospital could be cured if he were constantly told that he could not get well and should not get well. His imagination should be enlarged by every means that science can bring to the teaching of man.

First of all there must be individual treatment. No one would think of putting hundreds or thousands of the ill or insane into a pen, giving them numbers, leaving them so that no capable person knows their names, their histories, their families, their possibilities, their strength or their weaknesses. Every intelligent person must know that this would inevitably lead to misery and death. The treatment of men in prison is a much more difficult problem than the care of the physically diseased. It requires a knowledge of biology, of psychology, of hygiene, of teaching and of life; it needs infinite patience and sympathy; it needs thorough acquaintance and constant attention. It is a harder task than the one that confronts the physician in the hospital, because the material is poorer, the make is more defective, and the process of cure or development much slower and not so easily seen.

No person is entirely without the sympathetic, idealistic and altruistic impulses, which after all are the mainsprings of social adaptation. Probably these innate feelings can be found in prisoners as generally as in other men. It is the lack of these

qualities that often keeps men outside the jail. They " get by " where kindly and impulsive men fail. A large part of the crime, especially of the young, comes from the desire to do something for someone else and from the ease with which persons are led or yield to solicitation.

The criminal has always been met by coldness and hatred that have made him lose his finer feelings, have blunted his sensibilities, and have taught him to regard all others as his enemies and not his friends. The ideal society is one where the individuals move harmoniously in their various orbits without outside control. The governing power of a perfect order in its last analysis must be within the individual. A perfect system probably will never come. Men are too imperfect, too weak, too ignorant and too selfish to accomplish it. Still, if we wish to go toward perfection, there is no other road.

One of the favorite occupations of legislatures is changing punishments in obedience to the clamor of the public. In times of ordinary tranquility a penalty may even be modified or reduced, but let the newspapers awaken public opinion to crime by the judicious use of headlines and a hot campaign, let the members feel that there is a popular clamor and that votes may be won or lost, and the legislature responds. This is generally done without reference to the experience of the world, without

regard to the nature of man, with no thought of the victim, and with no clear conception of how the legislation will really affect the public.

The demand is constantly made that such crimes as kidnapping, train robbing, rape and robbery should be punished with death, or at least with imprisonment for life. Irrespective of its effect on the criminal, what is the effect on the victim of the criminal? A man is held up on a lonely highway; the robber does not intend to kill. His face is exposed. If the penalty for robbery is life imprisonment, he kills to avoid detection. If it is death, he kills even before he robs. The same thing operates in rape, in burglary, and in other crimes. In all property crimes not only is no killing intended or wanted, but precautions are taken to guard against killing. All laws to make drastic penalties should really be entitled: "An Act to Promote Murder."

Making penalties too drastic destroys the effect meant to be produced. Public clamor does not last forever. Men grow tired of keeping their tongues wagging on the same subject all the time. A state of frenzy is abnormal and when it subsides the temperature not only goes back to normal, but as far below as it has been above. When the fury has spent itself jurors regain some of their human feeling and refuse to convict. History has proved this over and over again, and still politicians always

seek to ride into power on the crest of the wave; when the wave moves back, they can easily go back with it. Even if the severe punishments should be continued without abatement, these soon lose their power to terrify. Communities grow accustomed to hangings; they get used to life sentences and long imprisonments and the severity no longer serves to awe. The cruelty serves only as a mark of the civilization of the day. Some day, perhaps, a wiser and more humane world will marvel at our cruelty and ignorance, as we now marvel at the barbarity of the past.

XXI

THE EFFECT OF PUNISHMENT ON OTHERS

The ordinary man who hears of a crime hates the criminal and wants him to suffer. He does not picture the malefactor as a man who, for some all-sufficient reason, has committed a dreadful act. Still less does he ask: "Has he a father or mother, a wife or children, brothers or sisters, and how are these affected by his deed?" No one can intelligently deal with the criminal without considering these. Practically no inmate of a prison stands alone. He is a member of a family or small social group, and inevitably the interests of these others are more or less closely bound up with his. If punishment is justified for its influence on society, these must be taken into account with the other members of the social organization.

The criminal, it must be remembered, is almost always poor. He has a mother, brothers and sisters, wife or children, dependent for support to a large extent, upon his casual earnings. He is placed in jail or the penitentiary and the family must make new adjustments to life. The mother or wife may go to work at hard labor

for a small return; the children may be taken out of school and sent to stores or factories, be condemned to lives of drudgery that will often lead to crime. The family may be broken up and scattered through institutions and the poorest shelters. A complete transformation for the worse almost always comes over the home. It is safe to say that at least three or four are closely touched by the misfortune of every one. These lives must be readjusted, and the chances are that the new adjustments will not be equal to the old, if for nothing else than because the conviction is a serious handicap in their struggles. Let anyone go to a city jail on a visiting day and see the old mothers, the stunned and weeping wives, the little children, down to babes in arms, who crowd around the corridors to get a look at the man behind the bars. To them at least he is a human being with feelings and affections, with wants and needs. All of these can recount his many good qualities which the world cannot see or know. Their first step is to borrow or to sell what they can to provide means for his defense. Everything else is cast aside. Day after day they visit the jail and the lawyer, contriving means to save liberty or life. When the trial comes, they watch through its maze in a dazed, bewildered way. They know that the man they love is not the one who is painted in the court room, and at least to them he is not. If he is convicted and

goes to prison for a term of years, then month by month the faithful family goes to see him for an hour in the prison, visiting across the table in open view of guards and others as unfortunate as they. The family follows all sorts of advice and directions and seeks out many hopeless clews for men of influence and position who can unlock prison doors. The weeks run into months and the months into years, and still many of them keep up their hopeless vigil; some are driven to drudgery, some to crime, some to destruction for the man whom the state has punished that society may be improved. It is safe to say that the state ruins at least one other life for every victim of the prison.

No provision is made for the dependent families of the wretched man. Ruthlessly society sends the man to prison and sees the daughter leave school, a mere child, and go to work. What becomes of her it does not know or care. It seems not to know that she exists. The state sees the convict's boy working at casual tasks and growing up on the streets, while his father is paying the penalty of his act. He may on this account follow his father to jail; it is not society's concern.

Assuming that an offender must be confined for the protection of society, as some no doubt must be, still the effect on the family and how to prevent its destruction should be among the first concerns in the disposition of the case.

XXII

EVOLUTION OF PUNISHMENT

Among primitive peoples the penal code was always short. Desire for property had not taken possession of their emotions. Their lives were simple, their adjustments few, and there was no call for an elaborate code of prohibited acts. Their punishments were generally simple, direct and severe: usually death or banishment which often meant death, sometimes maiming and branding, so that the offender might serve as a constant warning to others.

Primitive peoples early asked questions about their origin and destiny. The unknown filled most of the experiences of their lives. The realm of the known was very small. They had no idea of law and system, of cause and effect. They early began evolving religious ideas. The manifestations of nature, the mystery of birth, the fear of death, the phenomena of dreams, the growth and harvesting of crops — all of these were beyond their understanding. They peopled the earth with gods to be propitiated and appeased. Everything was the act of a special providence. From early times religion

and witchcraft furnished the chief subjects for the criminal code.

The penalties for the violation of the code were always severe, generally death, and by the most terrorizing ways. No other crime could be so great as to arouse the anger of the gods, and naturally no other conduct should demand so severe a penalty as calling down the wrath of the gods. This would fall not only upon the offending man, but upon the community of which he was a part. Even as man developed in knowledge and civilization, this sort of crime continued to furnish the greater proportion of victims and the most cruel punishments. Torture of the most fiendish sort was evoked to catch offenders and extort confessions. Difference of religious opinions was the worst crime. The inquisition became an established thing. Sometimes a nation was almost wiped out that heretics should be killed and heresies destroyed. The heretic was the one who did not accept the prevailing faith. The list of victims of punishment on account of religion, witchcraft, sorcery and kindred laws has in the past no doubt been larger than for any other charges.

This kind of laws always called out the greatest zeal in their enforcement. To the religious enthusiast nothing else was of equal importance. It involved not only the life of man on earth but his life through all eternity. Our statutes today are

replete with such crimes, but the punishments have been lessened and, as a rule, communities will not enforce them. But laws against blasphemy, working on Sunday, and Sunday amusements of all sorts, are still on the books and enforced in some places. A large organization and an influential and aggressive part of the Christian Church are insisting that these laws shall be enforced to the limit and that still others shall be placed among the statutes of the several states.

The methods of inflicting the death penalty have been various, the favorite ways being burning, boiling in oil, boiling in water, breaking on the rack, smothering, beheading, crucifying, stoning, strangling and electrocuting. Until the middle of the last century they were carried out in the presence of the multitude so that all might be warned by the example.

The number of crimes for which death and bodily torture have been the punishment can scarcely be recorded, and if they could it would be of no value. They would run into the hundreds and probably the thousands. A large part of these crimes are now obsolete. Doubtless more men have been executed for crimes they did not commit and could not commit than for any real wrong of which they were guilty.

Prisons came into fashion later than the death penalty, and as a form of punishment have grad-

ually come to take the place of most death penalties. Prisons in the past have been loathsome places and not much better than death. Prisoners have been packed together so closely that life was almost impossible. To incarcerate victims in prisons has brought terrible punishment not only on the prisoners and their families, but indirectly on the state. No doubt through the years prisons have been gradually improved. Many of their terrors have been banished. People have come to believe that even a prisoner should have some consideration from the state. Penalties have likewise grown less severe and terms have been shortened, but this course has not been regular or constant; the public readily relaxes into hatred and vengeance, and it is easy to arouse these feelings in men, since they lie very close to the surface. A constant struggle has always been waged by the humane to make man more kindly, and yet probably his nature does not really change. A few months of frenzy may easily undo the work of years.

So long as men punish for the sake of punishment, there will be a disagreement between the advocates of long punishment and short punishment, hard punishment and light punishment. From the nature of things, there is no basis on which this can be determined. The only thing that throws any light on the question is experience, and

men can always differ as to the lessons of experience. Neither do they remember experience when feelings are concerned.

Punishment can deter only on the ground of the fear that flows from it. Fear comes from things that are more or less unusual. Man has little abstract fear of a natural death; it is so unavoidable that it does not even figure in the ordinary affairs of life. Extreme punishments may grow so common that few give them any concern. They probably are so common now that the impression they make is not very great. Lighter and easier punishments would have the same psychological effect. In many cases a lenient punishment would also eliminate much of the hatred and bitterness against the world that are common to all inmates of prisons.

XXIII

CAPITAL PUNISHMENT

The question of capital punishment has been the subject of endless discussion and will probably never be settled so long as men believe in punishment. Some states have abolished and then reinstated it; some have enjoyed capital punishment for long periods of time and finally prohibited the use of it. The reasons why it cannot be settled are plan. There is first of all no agreement as to the objects of punishment. Next there is no way to determine the results of punishment. If the object is assumed it is a matter of conjecture as to what will be most likely to bring the result. If it could be shown that any form of punishment would bring the immediate result, it would be impossible to show its indirect result although indirect results are as certain as direct ones. Even if all of this could be clearly proven, the world would be no nearer the solution. Questions of this sort, or perhaps of any sort, are not settled by reason; they are settled by prejudices and sentiments or by emotion. When they are settled they do not stay settled, for the emotions change as new stimuli are applied to the machine.

A state may provide for life imprisonment in place of death. Some especially atrocious murder may occur and be fully exploited in the press. Public feeling will be fanned to a flame. Bitter hatred will be aroused against the murderer. It is perfectly obvious to the multitude that if other men had been hanged for murder, this victim would not have been killed. A legislature meets before the hatred has had time to cool and the law is changed. Again, a community may have capital punishment and nothing notable happens. Now and then hangings occur. Juries acquit because of the severity of the penalty. A feeling of shame or some bungling execution may arouse a community against it. A deep-seated doubt may arise as to the guilt of a man who has been put to death. The sentimental people triumph. The law is changed. Nothing has been found out; no question has been settled; science has made no contribution; the public has changed its mind, or, speaking more correctly, has had another emotion and passed another law.

In the main, the controversy over capital punishment has been one between emotional and unemotional people. Now and then the emotionalist is reinforced by some who have a religious conviction against capital punishment, based perhaps on the rather trite expression that " God gave life and only God should take it away." Such a statement

is plausible but not capable of proof. In the main religious people believe in capital punishment. The advocates of capital punishment dispose of the question by saying that it is the "sentimentalist" or, rather, the "maudlin sentimentalist" who is against it. Sentimentalist really implies "maudlin."

But emotion too has its biological origin and is a subject of scientific definition. A really "sentimental" person, in the sense used, is one who has sympathy. This, in turn, comes from imagination which is probably the result of a sensitive nervous system, one that quickly and easily responds to stimuli. Those who have weak emotions do not respond so readily to impressions. Their assumption of superior wisdom has its basis only in a nervous system which is sluggish and phlegmatic to stimuli. Such impressions as each system makes are registered on the brain and become the material for recollection and comparison, which go to form opinion. The correctness of the mental processes depends upon the correctness of the senses that receive the impression, the nerves that transmit the correctness of the registration, and the character of the brain. It does not follow that the stoic has a better brain than the despised "sentimentalist." Either one of them may have a good one, and either one of them a poor one. Still, charity and kindliness probably come from the sensitive system which imagines itself in the place

of the object that it pities. All pity is really pain engendered by the feelings that translate one into the place of another. Both hate and love are biologically necessary to life and its processes.

Many people urge that the penalty of imprisonment for life would be all right if the culprit could be kept in prison during life, but in the course of time he is pardoned. This to me is an excellent reason why his life should be saved. It is proof that the feeling of hatred that inspired judge and jury has spent itself and that they can look at the murderer as a man. Which decision is the more righteous, the one where hatred and fear affect the judgment and sentence, or the one where these emotions have spent their force?

Everyone who advocates capital punishment is really ashamed of the practice for which he is responsible. Instead of urging public executions, the most advanced and sensitive who believe in killing by the state are now advocating that even the newspapers should not publish the details and that the killing should be done in darkness and silence. In that event no one would be deterred by the cruelty of the state. That capital punishment is horrible and cruel is the reason for its existence. That men should be taught not to take life is the purpose of judicial killings. But the spectacle of the state taking life must tend to cheapen it. This must be evident to all who believe in suggestion.

Constant association and familiarity tend to lessen the shock of any act however revolting. If men regarded the murderer as one who acted from some all-sufficient cause and who was simply an instrument in an endless sequence of cause and effect, would anyone say he should be put to death?

It is not easy to estimate values correctly. It may be that life is not important. Nature seems extravagantly profligate in her giving and pitiless in her taking away. Yet death has something of the same shock today that was felt when men first gazed upon the dead with awe and wonder and terror. Constantly meeting it and seeing it and procuring it will doubtless make it more commonplace. To the seasoned soldier in the army it means less than it did before he became a soldier. Probably the undertaker thinks less of death than almost any other man. He is so accustomed to it that his mind must involuntarily turn from its horror to a contemplation of how much he makes out of the burial. If the civilized savages have their way and make hangings common, we shall probably recover from some of our instinctive fear of death and the extravagant value that we place on life. The social organism is like the individual organism: it can be so often shocked that it grows accustomed and weary and no longer manifests resistance or surprise.

So far as we can reason on questions of life and

death and the effect of stimuli upon human organisms, the circle is like this: Frequent executions dull the sensibilities toward the taking of life. This makes it easier for men to kill and increases murders, which in turn increase hangings, which in turn increase murders, and so on, around the vicious circle.

In the absence of any solid starting point on which an argument can be based; in the absence of any reliable figures; in the absence of any way to interpret the figures; in the absence of any way to ascertain the indirect results of judicial killings, even if the direct ones could be shown; in the impossibility through life, experience or philosophy of fixing relative values, the question must remain where it has always been, a conflict between the emotional and unemotional; the "sentimental" and the stolid; the imaginative and the unimaginative; the sympathetic and the unsympathetic. Personally, being inclined to a purely mechanistic view of life and to the belief that all conduct is the result of certain stimuli upon a human machine, I can only say that the stimuli of seeing and reading of capital punishment, applied to my machine, is revolting and horrible. Perhaps as the world improves, the sympathetic and imaginative nature will survive the stolid and selfish. At least one can well believe that this is the line of progress if there shall be progress, a matter still open to question and doubt.

XXIV

STIGMATA OF THE CRIMINAL

Lombroso and others have emphasized the theory that the criminal is a distinct physical type. This doctrine has been so positively asserted and with such a show of statistics and authority, that it has many advocates. More recent investigations seem to show conclusively that there is little or no foundation for the idea that the criminal is a separate type. Men accustomed to criminal courts and prisons cannot avoid being impressed with the marks of inferiority that are apparent in prisoners. Most prisoners are wretched and poorly nourished, wear poor clothes and are uncared-for and unkempt. Their stunted appearance is doubtless due largely to poor food, the irregularity of nourishment, and the sordidness of their lives in general. One also imagines that a prisoner looks the part, and in his clothes and surroundings he generally does. It is hard for a prisoner to look well-groomed; he has neither the opportunity nor the ambition to give much attention to his personal appearance. The looks of the prisoners are of little value. Nothing but actual measurements could give real informa-

tion, and these do not sustain the theory of their being different from other men.

It is not possible to see how the criminal can be of a distinct physical type. Criminality exists only in reference to an environment. One cannot be born a criminal. One may be, and often is, born with such an imperfect equipment that he cannot make his adjustments to life, and soon falls a victim to crime and disease. All that a physical examination could do would be to show the strength or weakness of the body and its various organs. What may befall him will depend partly on the kind and quality of his mind and nervous system, and partly on the physical structure and the kind of experiences that life holds in store for him.

No doubt thorough psychological examinations would reveal something of the brain, just as physical examinations certainly would determine the strength and capacity of the body. This would be of material aid in determining the kind of environment that should be found for the individual, and if such environment could be easily found it would avert most of the calamities which beset the path of the youth.

Something can be told of a person's character from his eyes, the expression of the face and the contour of the head, but this information is very misleading as our everyday experience shows. It is

not necessary to find stigmata in the prisoner to know that he was born the way he is. One's character must be fixed before birth whether Nature marks it on one's head or not. Likewise every particle of matter moves from stimuli and obedience to law, regardless of whether it shows in the face or not. The strong are no more exempt from the law than the weak. All the difference is that they can longer and more easily avoid disaster.

Everyone is in the habit of forming a hasty opinion of another by reading his face and noting his expression. But the indication given by facial expression is mainly the product of the life that has been lived, and tells something of the part that the hidden emotions have played on the body.

It has been generally believed that mind has its seat in the brain and the nervous system. Later investigations, however, seem to show that it is the product of the whole physical organism. There is no chance to measure or weigh or still less assay the qualities of the machine. It is certain that the quality of the mind depends very little upon either the contour or size of the skull.

About all that can be learned of the mind and the character of the man must be gathered from the manifestation of the machine. It is shown by his behavior in action and reaction. This behavior is caused by the capture, storage and release of energy through the ductless glands.

A defective mechanism either inherited or acquired through imperfectly balanced glands will inevitably produce an imperfect mind and defective conduct. This it will be bound to do because the body is the mind.

As a matter of fact, no man is branded physically with the "mark of Cain." If criminology were so simple it would not be difficult to handle. The manifestations of the human machine are infinite and only patience and careful study can find the points of weakness and of strength. That all brains and bodies have both is beyond dispute. No physical human structure was ever put together where the organs were equally strong to do the work assigned to them. Some part of the body always needs watchfulness and repair and can never be depended upon in emergencies. In times of overstress and strain, the defective organ or organs will manifest their weakness. The intricate nervous system and the brain, the unseen instincts and emotions likewise do not work perfectly; but as a rule the ones that underwork or overwork cannot be seen by a physical examination. It generally requires great subtlety to find them, and careful treatment and environment to make the machine work fairly well in spite of these imperfections. This could be provided; in most cases the machine could be placed in an environment where it would work fairly well; but instead

of this all the effort that is made to keep the machine in shape is a threat of the jail if it goes wrong; it is then left to run itself without help or assistance of any kind.

While examinations of the head do not show marked differences between prisoners and others, a great distinction is seen between the general proportion and the degrees of nourishment of prisoners and those not accused of crime. Nothing is more common than the weak and underfed condition of the delinquent and the criminal. This needs no expert examination. It is obvious to all. The poor, scanty clothes and personal belongings corroborate the fact that the accused is poor and has not enough to eat or wear, nor anything but the most scanty shelter. In addition to these facts, he is almost always ill. A report recently published, based on investigations by a special committee of the New York State Commission of Prisons, shows that in the New York Reformatory only eight per cent passed the required physical examination. In the penitentiary, where the average age was higher, only five per cent passed the test. In the work house—the home of the "down and outs"—only one per cent passed. The health tests employed were those for admission to the army. It was likewise found by the same commission that of those in good health or fair physical condition, eighty-five per cent were self-supporting,

while only eighteen per cent of those in poor physical condition took care of themselves.

Disease and ill health, when found so generally, are in themselves indications of a defective system, and such machines are constantly exposed to temptation. Their needs are ever present and their poverty great. Sickness and disease weaken or destroy such inhibitions as the unfortunate are able to build up, and they readily yield to crime.

XXV

THE GOOD IN CRIMINALS

The criminal is confronted in court with an indictment charging him with a violation of the law. He is a human being, like all others, neither perfect nor entirely worthless. He has some tendencies and inclinations which the world calls good for lack of a better term, and some that it calls bad for the same reason. In this he is like the jury and the judge. The strength of the different tendencies is not the same in any two machines. The judge and jury are interested in determining whether he is good or bad; that is, better or worse than they themselves. In theory he is tried on the charges contained in the indictment.

In most cases by a constant stretching of the rules of evidence his whole life may be involved. That is, proof may be offered of any act of delinquency that constituted a violation of the law, if in any way similar, or in any way connected with the one charged in the indictment. He cannot meet these charges by proving the acts of kindness and charity and real worth that are rarely absent in any life. The proceedings show how bad he is, not

how good. He may be able to call witnesses to show that up to the time of the bringing of the indictment his reputation for honesty was good; but he cannot show that he supported his grandmother, or helped his aunt, or educated his younger brother, or gave his money to the poor. All the good is irrelevant to the issue. This does not prove that he did not commit the act. It might clearly prove whether on the whole he should go to jail. Through this process he feels that the law and proceedings are unfair and that he is condemned, when, in fact, he is as good as those who judge him. Neither can he show the circumstances that hedged in his way nor the equipment with which he entered life. Under the legal theory that he is " the captain of his soul," these are not material to the issue. Neither can he show the direct motive that caused the conduct. It may have been a motive that was ideal, but the question involved is, did he violate the law?

He is convicted and sent to prison. As a rule, he will some time be turned back into the world. He needs careful treatment, involving instruction and an appeal to that part of his nature which may awaken sympathies and produce emotions that will make him more of a social being on his return to the world. In the loose language of the world, it is necessary for him not only to learn how to curb the evil but how to increase the

good. His imagination should be cultivated and enlarged. The responses to better sentiment should be strengthened. This can be furthered only by skilled teachers who are moved by the desire to help him. The process should be similar to a hospital treatment. Instead of this, he is usually surrounded by men of little intelligence or education, men who have no fitness for the task; he is governed by strict rules, all of them subjecting him to severe penalties when violated. Every action in the prison reminds him of his status. With the exception of a few strong men who need suffering for their development it can have but one result. He must come out from prison poorer material than when he went in. There are only two reflections that can keep him out of trouble in the future: the remembrance of the past and the fear that a similar experience might come to him again.

When it is remembered that the greatest enemy to happiness and life is fear; when we realize that the constant battle of the primitive man was with the fear that peoples the unknown with enemies and dangers; when we remember that in some way, fear of poverty, of disease, of disaster, of loss of friends and life is the ever-present enemy of us all, it is evident that nothing but harm can come from the lessons of fear that are drilled into the victim in prison. Life furnishes countless ways to be kind and helpful and social. It furnishes

infinite ways to be cruel, hard and anti-social. Most of these anti-social ways are not condemned by the law. Whether the life is helpful and kindly or hard and selfish can never depend upon the response of an organism to fear, but upon the response of an organism to the kindlier and more humane and sympathetic sentiments that to some extent at least inhere in the constitution of man.

It is a common thing for prisoners, even during the longest term, to be more solicitous about mother, child, wife, brother or friend than about themselves. It is common for them to deny themselves privileges, presents or favors to help other inmates. The consideration and kindness shown by unfortunates to each other are surprising to those who have no experience with this class of men. Often to find real sympathy you must go to those who know what misery means. Pride and coldness are usually due to lack of understanding, and life alone can bring understanding. Every intelligent man engaged in efforts to improve and help either criminals or children or any others, knows the need of an appeal to what passes as the better nature. Help does not come so much from directly inhibiting the bad as by extending the area of the higher emotions. To pull up weeds in a garden without planting something in their place is a foolish task. The human being is like the garden. Something must grow in the soil. If weeds

are pulled up and nothing planted Nature will grow more weeds. Some feelings and emotions always possess every person. The best that is incident to the machine should be found and this be cultivated and extended until it dominates the man. Courts and prisons have no machinery to cultivate the best in their victims; they are always looking for the worst, aiding and promoting it until the prisoner is driven to hopelessness and despair.

XXVI

THE DEFECTIVE AND INSANE

It is almost hopeless to bring any system or order out of the chaos that prevails in the discussion of the insane, the defective, the moron, and the feeble-minded. The world has so long believed that man is a specially created animal and that he does wrong from free choice, that much more time and investigation are necessary before sane and scientific theories can be formulated on this subject.

It has been a great many years since any semi-intelligent man believed that all sorts of physical abnormalities were due to one cause and could be cured by one method, and yet the prevailing opinion now, even among the fairly educated, is that all sorts of abnormal conduct are due to one cause, perversity and wickedness, and should be treated with only one prescription, punishment. Scientific men indeed have long known that there were causes for the abnormality of conduct and that there were various more or less satisfactory remedies for many cases. Still the time that scientists have

worked on the problem is short and the data imperfect, and many years of patient study will be needed before there can be worked out the broad theories of responsibility for and treatment of crime which will replace the long accepted doctrines of original sin, and the expulsion of devils from the wicked by cruelty and punishment.

By far the largest part of the population of prisons is made up of the insane, feeble-minded, morons, defectives or victims of diseases that seriously influence conduct. This is especially shown by the increased percentage of the clearly defective that are repeaters, over those in prison for their first offense. There is no lack of statistics as to the various groups of defectives, but these figures cannot be reconciled. No two authorities agree as to percentages; the classifications are more or less uncertain; the dividing lines between the different groups are vague, one class easily fading into another. The investigations have largely been made by those not trained for the work, and above all the conclusions as to treatment are at variance, doubtful and necessarily not yet satisfactory. That the clearly insane and the plainly feeble-minded should not be punished would doubtless be admitted by all who speak in public or write for others to read. Many persons speaking in private, acting on juries and connected with the machinery of " justice " say that these should be punished like

the rest. Still for a starting point, it may be assumed that most men would agree that these classes should be restrained rather than punished.

The chief difficulty is that between the most violently insane and the least emotional man are infinite numbers of gradations blending so closely that no one can mathematically or scientifically classify all the various individual units. While there are cases of insanity that can be clearly traced to injury or disease, the degree of sanity in most cases is still impossible to determine. Most insane people are sane on some things, generally on most things and are sane a part or most of the time. The periods of sanity and insanity can be distinguished only by conduct. How far any specific insanity may impair the brain and affect the inhibitions, is impossible to foretell.

When it comes to the defective, the problem is still more difficult. No two persons have the same degree of intelligence. Some are clearly lacking in mentality. Others are manifestly intelligent. The great mass range all along between these extremes. Various arbitrary rules have been laid down to aid in classifying different grades of defectives. Generally the feeble-minded can be sorted out. The defectives are supposed, if young, to be two years or more below the normal scholar in development; if older, three or more below. Their standing is fixed by asking certain test questions. Furthermore, a list

of questions has been commonly used for an "intelligence test." These queries have nothing to do with the school work of the child, but are supposed to reveal only his native intelligence.

No doubt in a broad way such tests throw considerable light on the mentality of those who submit to the examination. Ordinary experience, however, shows that they cannot be fully relied on. Some children develop very slowly, others very rapidly. Some are much quicker, others slower in their perceptions and responses. No two children or grown-ups have the same turn of mind. One may be very bright in business affairs and very dull in books. One may be clever in arithmetic and hopeless in grammar. One may have marked mechanical ability and no taste for school. These tests are only valuable if given by well qualified examiners, and the method is so new that few have had the chance to thoroughly prepare for the work. For the most part the tests are given by people who are wholly unfit for so important a task.

Quite aside from all this it is not certain that intelligent people are necessarily safer to the community than stupid ones. There is always a tendency for the stupid to stick to the beaten path. Intelligence generally means individuality and divergence. On the other hand, the stupid and subnormal are moved much more directly by instincts

and emotions. Their lack of imagination, poor perceptions and want of reasoning or comparing power, make their self-control weak. In sudden stress or an unusual situation, they are easily swept away and respond directly to instinct and feeling. In short the urge of the primitive through the long history of the race cannot be modified sufficiently by the new structure that civilization has built around more intelligent people.

The various distinctions between the feeble-minded and the normal must not be taken with too much confidence. As the motives that govern man are understood, it is easy to see that intelligence is a strong factor in regulating behavior. When it is seen also that at least the larger part of the inmates of prisons are subnormal and at the same time without property or education, it is evident that all these handicaps are dominating causes of conduct. This position is made still more certain by the further evidence that nearly all of the repeaters in prison are of this type.

Most states already make some allowances in their criminal codes for the defective and the insane. This is really an acknowledgment that the activity of the human machine is governed by its make and environment. The history of the treatment of the insane serves to show the uncertainty of all man's theories as to punishment and responsibility. Doubtless at a very early age in the history

of man it was discovered that there were people who acted so abnormally that they could not be classified with the great mass. Such persons were supposed to be possessed of devils or demons, and various incantations and practices were used to drive the devils out. Failing in this they were put in prison, loaded with chains or put to death because of their danger to the community.

In other communities, however, insane persons were thought to be possessed of special gifts. God had come nearer to them than to common mortals, and they were seers or prophets endowed with a portion of the divine power.

Either view of the problem is explainable by the lack of scientific or exact knowledge that marks early societies. Still these societies relied on punishments just as much as our present law-makers and enforcers, possibly more, because presumably less enlightened. Further investigation and experiences with the insane have convinced even the most casual observer that they function somewhat differently from other people; there is not the same certainty between stimulus and response. What they will do and how they will act under given conditions cannot be foretold with anything approaching the exactness that is possible with the normal.

The origin of the insanity in many cases is clearly traceable: sometimes to lesions; sometimes

to illness; sometimes to the mode of life; perhaps more is due to heredity than to any other cause. At any rate in theory the civilized world has long since ceased to hold the insane criminally responsible for their acts. This applies only to the clearly insane. The border-line is impossible to find, and many cases are so difficult to classify that there is often a doubt as to where the given patient belongs. In times when the crowd is mad with the mob psychology of hatred, people are impatient of insanity and do not care whether the accused was sane or not at the time of the commission of the act. Many insane are put to death or sentenced to long terms of punishments. Jails and other penal institutions are constantly sorting their inmates and finding many who were clearly insane at the time their sentences began.

Society is beginning to find out that even where there is no marked insanity, many are so near idiocy that they cannot fairly be held responsible for their acts. The line here is just as vague and uncertain as with the insane. Thus far, society has not provided adequate protection for the public against this class; neither has it properly cared for these unfortunates. It has simply excused their conduct, except in cases where some act is so shocking that it arouses special hatred, and then it freely declares that it makes no difference whether the accused is a defective or not; he is of no value

to the world and should die. Many of this class are put to death. I am inclined to think that most of those executed are either insane or serious defectives; and those who say that such people are of no value are probably right. It is perhaps equally true that few if any are of value, for when value is considered we are met with the question: " Value to whom, or for what? " All you can say of any one is that he wishes to live, and has the same inherent instincts and emotions toward life as are common to all other men.

Even the legal tests as to insanity and feeble-mindedness are neither logical nor humane. Often the definition is given by courts that if one is able to distinguish between right and wrong, he is sane within the meaning of the law. This definition of insanity is utterly unscientific. If the insane or the defective above an idiot is questioned specifically whether certain distinct things are right or wrong, he can generally give the conventional classification. Often he can tell much better than the intelligent man, for he has been arbitrarily taught the things that are right and wrong and has not the originality or ability to inquire whether the classification is right or how far circumstances and conditions determine right and wrong.

Conduct is ruled by emotion, and actions depend not upon whether one has learned to classify certain conduct as right or wrong, but

whether from education, life or otherwise, the thought of a certain act produces a quick and involuntary reaction against doing it. No one believes or feels that it is always really wrong to violate some statutes, and most men indulge in many practices that are wrong and repulsive but not forbidden by the criminal code.

Furthermore, the insane and subnormal are influenced by punishment and fear. Even the animal responds to both. It is possible that in many instances those who are insane and subnormal are influenced by fear more than the intelligent and normal. The most that can be said is that they have not the same power of resistance that is given stronger men. This means only that they have not stored up the experiences of life so well; that their nervous system has not so well conveyed impressions, or that their power of comparison is less; this, in turn, means that it will take greater stress or harder environment to overcome the inhibitions of the sane than the insane. The treatment of the insane and the defective is an acknowledgment that all conduct comes from a direct response of the machine to certain stimuli and the machine can act only in a way consistent with its mechanism.

In other cases, the courts often recognize the strength of hereditary defects in nullifying environment with its strict ideas of right and wrong. The kleptomaniac is generally recognized as being a well-defined class of the insane. Most of the

shop-lifters are women. This is especially a female crime. It is useless to explain why. It is not a daring crime; it is secretive in its nature; it requires more stealth than courage; it especially appeals to women on account of their taste for the finery exhibited at stores. The kleptomaniac, however, is generally a rich or influential woman. She steals something she does not need, and she is therefore held to be a kleptomaniac and not responsible.

The poor woman who steals something she actually needs is not a kleptomaniac. I have no doubt that the rich woman who could not resist shop-lifting is a kleptomaniac. I have just as little doubt that the poor woman, with an imperfect make, found her environment such that she was forced to act as she did. If a rich woman is irresponsible and cannot resist when she steals something she does not need, I can see no reason why a poor woman is not likewise irresponsible when she takes something that she needs or must have. The kleptomaniac finds herself in a position where her emotions and her feelings are too strong for her judgment and inhibitions. Everyone who acts must act from similar causes or inducements. There is no special providence in the realm of mind. There is no room for chance in any natural phenomenon. Possibly the public will understand sometime, and law-makers and law-enforcers will place crime and punishment on a scientific basis.

XXVII

SOCIAL CONTROL

Organizations and cults are forever coining new expressions that sound "pat" and for this reason seem true. As a rule, these terms and phrases are put in the shape of general statements that may or may not mean something; but their "pat" sound is used to justify all sorts of excesses and violations of individual rights. The term "social control" is met everywhere now. It may imply much or little, according to the construction of the users. It is meant at least to imply that somewhere is lodged a power to bring under control or supervision the refractory or evil elements of society for the well being of the whole. As a rule, under this phrase anything is justified which seems in some way fit for the community as a whole. The fact that the restraint interferes with personal liberty seems to have no bearing on the matter. Social control necessarily means that the majority of the members of a social unit shall limit the freedom of action of the individual to conform to its view. Of course, the majority has the right because it has the power. In the discussion of political or philosophical questions, "right"

means little more or less than "power." A right must be based upon some custom or habit with some power to enforce it, or it cannot be claimed. It can never be enjoyed without the power to obtain it.

The relation of society to the individual has been one long conflict. This is necessarily true because every human organism has instincts, feelings and desires and is naturally impatient at any limitations placed upon it unless self-imposed. On the other hand, organized society functions to preserve itself, and if the activities of the individual are hostile to this preservation the individual must give way. Theorists of various schools are forever propounding social ideas, with the positive assurance that, if followed, they would work automatically and heal all social ills. But it must be evident that neither from history nor philosophy can any such theory be proved. Between the extreme anarchistic view that each person should be free of control by law, and the extreme socialistic view of an extension of state organization until all property and all industrial activity shall be administered by the state and collectively owned, social life in its relation to the individual is always shifting. No one can find the proper line, and if there were a line it would forever change. On the one hand, the power of the strongest element in social organization is always seeking to enlarge the province

of the state. On the other hand, the individual unit following the natural instincts for its development is reaching out for more freedom and life. When the theorists in each camp manage to push so hard that both can no longer be maintained, the old organization of society breaks up into new units, immediately to re-form in some new way.

This struggle of contending forces is a prolific and unavoidable source of crime. When organized society goes too far, the individual units rebel and clash with law; when the units swing too far away from the social organization and defy the power of the state, almost automatically some sort of a new organization becomes the state. Whether this new one discards all old forms and laws and acts without the written law, is of no concern. It at least acts and sets limits to the individual life. If it were possible for all legislative bodies to meet and repeal all laws, the state would still remain; the people would live and automatically form themselves into a certain order and protect that order either by written law or vigilance committees. At least the people would act together.

The majority generally has some religious creed, and to it this is all important. This creed is made up of observances, such as holy days, the support of the prevailing religion, the condemnation of witchcraft and magic, and the like. These and other doctrines often have been enforced upon those who

have no faith in the regulations. The enforcement of such laws in the past has been by the most drastic penalties and has brought extreme suffering upon the world. No religious organization has ever seemed willing to confine its activities to propaganda, teaching and moral suasion; those methods are too slow, and the evils and consequences of disbelief are too great. Laws of this drastic character are still part of the penal codes of various states and nations, and well-organized bodies are always strenuously seeking to extend the application of such laws and re-enact at least a portion of the religious code that has been outgrown.

Individuals have likewise found, or at least believed, that certain personal habits were best for them, for instance, abstaining from alcohol and tobacco in all forms. Not content with propaganda, they have sought to force their views upon others, many of whom deeply resent their interference.

It is not enough that certain things shall be best for the health and physical welfare of a community. This does not justify the wise law-giver in making them a part of the penal code. If so, the code would be very long. No doubt coffee and tea, and perhaps meat, are injurious to health. Most likely the strength of the community would be conserved if regular sleeping hours were kept and

if great modifications or changes were made in dress. But this does not justify criminal statutes. The code must take notice of something more than the general welfare. Unless the end sought to be attained is very direct and plain and the evil great so that a large majority believes in the law, it should be left to education and to other voluntary social forces.

A large part of the community has always attributed many criminal acts to intoxicating drinks. I am convinced that with such crimes as murder, burglary, robbery, forgery and the like, alcohol has had little to do. Petty things, like disorderly conduct, are often caused by intoxicating liquor, and these land a great many temporarily in jail, but these acts are really not criminal. Men have been temporarily locked up for over-drinking. If over-eating had been treated the same as over-drinking, the jails would often be filled with gluttons. As to health, probably the glutton takes the greater chance. A very large percentage of deaths would have been materially delayed except for excessive eating. The statements ascribing crime to intoxicating drinks have generally been made by those who are obsessed with a hatred of alcohol. As a rule if one lands in prison and has not been a total abstainer, his downfall is charged to rum. Statistics have been gathered in prison often by chaplains who, in the main, are prohibitionists and

interested in sustaining an opinion. The facts are mainly furnished by inmates of prisons, a poor source from which to gather facts and draw deductions, especially as to the cause of crime. Prisoners are interested in only one thing, and that is getting out. They understand perfectly well what kind of statistics the chaplain wants and these are given. It is the nature and part of the protective instinct of everyone to find some excuse for his acts. Alcohol has always furnished this excuse. It is a good alibi; it is readily believed, always awakens sympathy and at once turns the wrath of a provincial community from the inmate of the prison to the saloon-keeper.

Even if prisoners were unlike others and wished to tell the truth about themselves, they have not the art and understanding to give the causes of their plight. No man, however intelligent, can do this, least of all one of inferior brain power, little education and not trained in dealing with facts. The prison inmate, like everyone else, knows only that he followed what seemed to him the line of least resistance, and that every step in his course was preceded by another and that there was a reason for what he did. Most likely he does not know the reason. In the hours of his despair he goes over his life in every detail, at every cross-road, and at all the forks where paths branch, always wishing he had gone the other way.

While this is true, he could know neither the dangers that lurked along other roads, nor the fact that he had no choice about the way he went. All he knows is that he stumbled along a certain path which led to disaster. All the paths of life lead to tragedy; it is only a question as to how and when. With some, the evil day is longer delayed and the disaster seems not so hard to bear.

In a sense, all the classifications as to the cause of crime are misleading and worthless. Your existence is the result of infinite chances and causes appalling in their number. Out of a thousand eggs, one is fertilized by perhaps one of a billion sperms, and from this you have been given life. Each of your parents and grandparents and so on, back for two hundred thousand years of human ancestors, and back to infinity before man was born, was the result of the same seemingly blind and almost impossible hazard. The infinitely microscopic chance that each of us had for life cannot be approximated. All the drops of water in the ocean, or all the grains of sand upon the shore, or all the leaves on all the trees, if converted into numbers and used as a denominator, with one for a numerator, could hardly tell the fraction of a chance that gave us life.

The causes of human action are infinite, and no cause stands isolated from the rest. In the first place we cannot tell the meaning of the word

" cause " when applied to a problem of this sort. In law the ordinary rule for a " proximate cause " is " an event or happening in the direct line of causation, not too remote, that has led to the result, and without which the result could not have happened." But this means nothing. Infinite are the causes which have led to every act, and without each one of the infinite causes the act could not have resulted. If it be something that affected a life, and had it not happened then the life would have drifted somewhere else. In the end it would have reached the same harbor of Nirvana. But the life would not have been the same. A drop of water falls on the Rocky Mountains, it trickles along, going around through pebbles and grains of sand; it joins with others, meets trees and roots, winds and twists perhaps for hundreds, even thousands of miles before one can tell by what channel it will reach the sea. Infinite accidents determine even which sea it shall finally reach. The most radical advocates of social control are never at a loss to lay their fingers on causes or to know what would have happened if something else had not happened; they never hesitate to forbid seemingly innocent acts because they are certain that evil will follow. They are contemptuous of one who wants to preserve the semblance and spirit of freedom.

Life has none too much to offer where men are

left to control themselves, and to be forbidden to follow your inclinations and desires because sometimes they may result disastrously, is to give up what seems to be a substance for what is most likely a shadow.

All we can tell about the man whom we are pleased to call a criminal, is that he had a poor equipment and met certain influences, motives and conditions, called environment, on his journey. We know that at a given time the journey has reached a certain point; it has met disaster or success, or most likely indifference. At a certain point he has reached a prison or is waiting for the hangman to tie a noose around his neck. Is heredity responsible? We know of many who apparently started out with an equipment no better. These may be business men and congressmen and deacons in the church. While we do not know and cannot know the trend and relative strength of the instincts in the various machines or the emotions that these and the whole equipment produced, apparently an equipment as poor as that of the criminal has met success, or at least kept its possessor out of jail. Was it then his environment? We have known men placed in the same environment, perhaps a brother, conquering difficulties and bringing success from what seemed to promise certain defeat. Why did one fail where the other conquered? Was it the " will " that caused one to be the " captain

of his soul"? What then is the "will" and who gave the weak will to one and the strong will to another? And, if each was born with a certain "will" or the capacity to make a certain "will," who then is responsible for the result? Or, does the word "will" mean anything, as usually applied?

All we can tell is that a certain equipment met a certain environment, and the result was early disaster. A change of even the slightest factor of environment might have saved the victim from hanging, so that he could die a respectable and peaceful death from tuberculosis or cancer.

After all, the inevitable tragedy that in some form marks the end is not so important as the sensations and experiences that one meets on the road. Life is hopeless and colorless indeed if these experiences are chosen for the wayfarer and the sensations are enforced or denied, as the case may be. Nothing recompenses the individual for the denial of his chance to follow his own path.

XXVIII

INDUSTRIALISM AND CRIME

It was not until about the middle of the eighteenth century that the desire for the creation and accumulation of property began to rule the world. Up to that time such small amounts of property as man needed or coveted had either been produced in a simple manner by himself or taken in the easiest way.

This new passion has made a large part of the modern criminal code. A world of warriors, religious zealots and pastoral people could not readily adapt themselves to the change. Criminal codes were lengthened; methods of getting property and keeping it were provided for, and other ways condemned. It must be obvious that it was not easy for man with his age-old machine, his inherited institutions and his ancient folk-ways, to adjust himself rapidly to the change. New conditions and laws created new criminals.

With the growth of the factory system and accelerated industrial development, an overweening desire for material things was awakened. As neither individuals nor societies can be possessed

of more than one overpowering emotion at a time, the devotion to property naturally weakened religious fervor. Religion became more an abstract belief and a social organization than a vital thing affecting life and conduct. Even before this time there was growing up in the world a protest against the religious superstition that had led to the cruelties of the past. The scientist and the modern philosopher were making their contributions to the world of thought, and these contributions were slowly affecting life and conduct.

A doubt of old creeds and doctrines and faiths was coming over the minds of men. Social conventions were loosening, new customs and habits were becoming folk-ways. In short, society and life were growing more fluid and adaptable. The growth of property holdings created new desires and new temptations. The accumulation of large fortunes brought envy and hatred and ambition. The rise of industries built the large cities, with palaces on one hand and hovels on the other. The vast inequality of wealth and the growth of workers' organizations, together with the spirit of skepticism which activity always brings, caused large numbers to doubt the justice of property rights, the utility of many institutions and the possibility of radical change by social organization. It is perfectly evident that all of this movement brought more conflict between social units, a con-

stant lengthening of the criminal code to protect the interests of the controlling powers, an increase of prisons, and an apparent if not a real increase of crime.

Nothing but a strong government can long endure great inequality of wealth or social condition. The slaves of the past civilization were kept in subjection by main strength and fear. This enslavement was aided by the deep ignorance of the masses who had no means of information and nothing but vague feelings of the injustice of their lot. Even then the poor sometimes revolted, but such outbreaks were generally easily put down by the sword. The growth of political power and industrial independence has been accompanied by the constant conflict of social forces. This means conflict with the law, and the law has always taken its toll of victims.

New inventions and methods that bring power of any sort carry with them social clashes, protests, bitterness, conflicts and violations of law. The invention of gun-powder was the source of great conflict and still continues to add to the inmates of prisons. From the first, the far-reaching effects of high explosives were seen by the wise, and fire-arms were permitted only in the hands of those who could be depended upon to support the state. Gradually through the needs of the rulers in war they were given to the poor. When the American

Revolution separated us from Great Britain, the spirit of democracy and revolt was strong in the world. A body of peasants had gained independence over the strongest nation on earth. This body, through its delegates, provided in the Constitution of the United States that the people should never be forbidden to bear arms. The cheap production of firearms placed them in the hands of all who wished to buy. This aided feuds and brawls. It also gave strength to the burglar and robber.

America was fast becoming a manufacturing and commercial nation. The accumulation of property was greater, and the inequalities perhaps more marked than in any other land; likewise the poor were more independent. Gradually we came to rely more and more upon the power of law and the force that goes with it to preserve the old order. Legislatures and city councils all over the United States began to limit and forbid carrying firearms. The Constitution of the United States was held no impediment to this legislation. Gradually laws have forbidden the carrying of guns by the common man, and these laws are growing stronger every year. In many states robbery with a gun may mean life imprisonment, while the mere carrying of a revolver is a serious offense. The passage of these drastic laws and the number of prison inmates confined for these offenses show that the invention and use of firearms has affected crime,

and likewise that the government is constantly growing more doubtful of the common man.

Civilization largely has to do with the creation and protection of property. Although it is related to literature, architecture, politics, art and the like; even these things if not actually rooted in property are stimulated or affected by property. Civilization has created new crimes and new ways to commit crime. It has likewise created many wants and desires that furnish the motive power of property crimes. Each new invention of civilization adds to these needs and these desires, increases the power of committing crime, and necessitates stricter measures to prevent it. Civilization has likewise created many new outlets for the emotions, strengthened old ones, weakened others and added to the complexity of life. It has imposed added strain and stress upon man's nervous system and through this has caused the abnormalities and excesses that are either crimes or lead to crimes.

Civilization has created the big cities; in other words, the powers and forces that made civilization have made the big cities. The invention and development of the railroad has taken men from the air and sunlight and comparative freedom of motion of the country and the small village, and placed them in an atmosphere not really fitted for normal animal life, especially the life of the young. It has likewise stimulated crime by offering the

opportunities and making the suggestions that are potent factors in crime. In country and village life everyone was known, the smallest detail of every life was an open book. This fact furnished a moral restraint to the individual and likewise made it hard for him to violate the rules of the game. The opportunities for collecting large numbers of people who might encourage each other with their conversation and association were very few in rural life. The man who would violate the law must do it alone. Not only this, but he must take his first steps almost without suggestion or aid. This confined criminal conduct largely to the feeble-minded and the seriously defective, and even these could generally live in a country atmosphere where life is simple and easy, without serious danger to themselves or others.

The great city with its swarms of people, its wealth and poverty, its unhealthy atmosphere, its opportunities for everyone to have many associates and still be lost to the community at large, makes irregular lives not only easy, but almost necessary to large numbers of men. Civilization has no doubt created crime as it has created luxury, wealth, refinement and ease. Much luxury has always led to deterioration and decay and is doubtless leading that way now.

One of the latest products of civilization that has had a marked effect on crime is the automobile.

Stringent laws are on the statute books of all states against stealing automobiles, yet stealing and selling automobiles is a flourishing and growing business. A large percentage of the boys in the juvenile courts of our cities are there for stealing automobiles. Yet this is the work of a very short period. I do not mean to say that many of the boys brought into court for stealing automobiles would not have committed some other crime, if automobiles had not been invented and come into general use, but I feel quite sure that many of them are victims of the automobile madness alone.

The automobile is one of the latest manias and fashions that civilization has provided. Almost no one is free from the disease. Conservative business men must have motor cars; clerks and salaried people who cannot afford them must get them; mechanics and professional men who have no need for them, except that others use them, must contrive to buy them. Automobiles are much more important today than houses. Men go into debt and struggle for money to buy gasoline so that they may drive somewhere for the sake of coming back. It has created a psychology all its own, a psychology of movement, of impatience, of waste, of futility. Men in Chicago start to drive to Milwaukee without the slightest reason for going there; they travel the road so fast that they could get no idea of the scenery even if there were something to see.

They hurry as if going for a doctor. They reach their destination and then start back home. The specific desire that is satisfied by this expense and waste is a new one, an emotion of no value in the life processes and probably of great injury in life development. It is a craze for movement, for haste, for what seems like change.

The automobile has made its list of criminals, and it is making them every day. Probably it will continue to make them until the flying machine is perfected, and then to some extent at least the airplane will take its place.

The truth is that man is not adapted to the automobile. His reactions are too simple; his inherent needs are not adjusted to the new life; he has not been built up with barriers to protect him from this insidious temptation which is claiming its victims by the hundreds every day.

The boy is perfectly helpless in the presence of this lure. He wants to do what others do. He is by nature active and venturesome and needs to keep on the move. The mechanism itself appeals to him. He wants to work in a garage. He is anxious to be a chauffeur. He cannot resist an automobile. No such temptation should be placed before a boy. It has added a great deal to the responsibility of parents and teachers, and so far they seem not to have been able to meet that responsibility in any way. Aside from the boys'

thefts it has played a great part in crime. The doctor, the real estate agent, the business man cannot afford to be without automobiles. No more can the burglar, the hold-up man, the bank robber, if he would keep up to date. The automobile has raised the robbery of country banks from a vagrant crime, infrequent and dangerous, to a steady occupation coupled with a great deal of excitement and some chance for profit. So far no one has ever suggested anything to counteract or lessen the evil effects except to increase penalties. The crimes committed with and for automobiles are a result of the conditions of life. Out of a thousand men and boys, a certain percentage must commit these crimes just as a certain percentage must die of tuberculosis. The temptation is very great. The human equipment is not strong enough in many people to withstand the temptation. They either buy them when they cannot afford to own them, or they steal them, and either way leads to disaster. No doubt men will some time become adjusted to the automobile as they have become adjusted to the horse, but until that time comes, it will demand its heavy toll of unfortunates.

Not only, it seems to me, does the growth of civilization mean the growth of crime, but that civilization likewise leads to decay. The world has seen the result over and over again, but it cannot learn. Man is an animal; the law of his being

demands that he shall live close to nature; he needs the outdoors, the country, the air; he needs to walk and run; otherwise his digestive apparatus will fail, his brain power will decay, and the strength of his legs will be impaired. Civilization runs too much to stomach and nerves, and Nature will have revenge. To be sure, the professional American rhapsodist points out that we are immune from natural law because we have a chance to vote for presidents once in every four years. But there are ample signs that Nature knows little about political institutions or other man-made devices and that she will have her way.

How much the natural limitations of man will permit him to learn and understand; how far his instincts and emotional nature would allow him to be controlled by knowledge, if he had it; what would be the results to life if reason could control him, are pertinent questions that affect all discussion and which may never be satisfactorily answered. It is entirely possible that the student who tries to point out better ways and teach better methods does it only to satisfy his own emotions and is often conscious that it does nothing else. But, whatever the inducing cause or result, given a brain and nervous system and the material that civilization furnishes for reflection, these and other important subjects will be interesting topics of study and furnish material for the reflective powers of man.

XXIX

WAR AND CRIME

All natural phenomena affect the activities of man. It has been repeatedly observed that the number of crimes of assault and murder increases in the summer months and fluctuates with extreme heat or a cooler temperature. The nervous system of man is responsive to all sorts of physical and psychological influences, and criminologists take these into account in considering crime, as doctors take them into account in treating disease. Man is influenced by substantially all the things that affect other structures and by many things that do not. His nervous system is more delicate, his emotional nature more complex, and his brain permits the handling of impressions in a way not possible to lower organisms.

The effect of war has always been manifest in human conduct. Man acts largely from habit and custom; he does as others do, without reflection as to why he should do it or why others do it. War is a sudden, violent and spectacular destroyer of all established habits. In its conduct and preparation it has rules of its own which have no

analogy in civil life. The battlefield is a reversion to the primitive; a reversion which man finds it easy to make, for it appeals to fundamental instincts which civilization holds in leash with great difficulty and never with entire success. War especially appeals to the young. Their desire for activity, their impatience with restraint, their love of the spectacular, their untrained emotions, all find a ready outlet in war. Even those who are too young to fight still read of it, talk of it, play at it to the exclusion of other games. War is a profound and rapid maker of mental attitudes and of complexes that are quick to develop and slow to pass away. Both the quick development and slow decay are probably due to the fact that war meets a decided response in the primitive nature of man.

Nearly all the newspapers of America are now calling attention to the increase of crime since the close of the Great War. It is a topic of pulpit and platform discussion. Wild appeals are made for convictions and extreme penalties. Governors and boards of pardon and parole are urged to refuse clemency to prisoners and are roundly condemned when they do their plain duty, even though they do it very reluctantly and tardily.

It is probably true that the close of the war has shown a large increase in criminality, especially in crimes of violence. This is true not only of America but of all European countries. In some of the

most afflicted ones civil government for a time has virtually broken down. Both the great need for food and clothing and the overthrowing of conventions, customs and habits are responsible for the change. Here we perceive a notable example of the almost instantaneous disruption of established folk-ways.

For more than four years most of the western world did nothing but kill. The whole world talked of slaughter and devoted its energy to killing. Every sentiment of humanity was forgotten. Even religious ties and religious commands were ignored. The prayers to the Almighty contained requests that He help the various fighting nations to kill their enemies. Everyone was taught to hate. The leaders in the war knew that boys could not do efficient killing unless they learned to fear and hate. The most outrageous falsehoods were freely circulated by every nation about its enemies and their conduct of the war. The highest rewards were offered for new and more efficient ways to kill. Every school was turned over to hate and preparation for war, and, of course, all the churches joined in the universal craze. God would not only forgive killing but reward those who were the most expert at the game.

The newspapers carried stories of battles every day, the dead and wounded often running into the tens of thousands. None of the reports was exact.

Nothing was true. Everything was wild and exaggerated. Facts were not strong enough to make an impression. Lies were deliberately circulated to help the cause.

Every tradition and habit of life was broken and broken all the time. The commandment, "Thou shalt not kill," was repealed. Property was not only ruthlessly destroyed but openly confiscated. Lying was a fine art. When this bears a harvest after the war, the public loudly clamors for hanging boys whose psychology is a direct result of long and intensive training by the leaders of the world.

One life is not worth considering in the face of the holocaust that has taken its hundreds of thousands and has been defended in the schools and churches. It is not strange that the after-war harvest of crimes should come largely from boys, often those boys who did their part on the field of battle. Whether they got the psychology from killing or reading or hearing or playing soldier or training makes no difference. Everyone who has any reasoning power knows that they got it, that it was deliberately given to them if not forced upon them, and that just as deliberately the state is killing them because they took it.

It is not alone the young who show this psychology of killing that has grown out of the war. Organized society, the public, juries, judges, par-

don boards and governors, show that war has made them cruel and wanton of human life. The great number of hangings since the war is patent to all observers. In normal times juries were very loath to pronounce the death penalty. With any possible excuse they always saved life. Now they pride themselves on taking life. Even insanity does not always prevent an execution.

Numerous are the evidences of the derangements the war has created and left behind. A few years ago a prize fight would not have been permitted in more than one or two states in the Union. Now state after state is passing laws to permit prize fights to take place, and even the best society has given its sanction to this sort of sport. Whether the state should permit prize fights is not the question. The fact is, as everyone knows, that it is permitted on account of a psychology growing out of the war. We content ourselves with saying it will never do to raise our boys as molly-coddles; they must learn to fight.

It is not alone murder that can be traced directly to the war psychology. Robbery and burglary have rapidly increased, and much of this is due to the emotions of boys. The robbing of country banks has grown to be almost a pastime, and often one or more participants in these raids is a returned soldier.

What should be done to meet these new con-

ditions? Common honesty, common sense and common humanity alike plainly show that a large part of the crimes of violence are due to the war. Will hangings and life sentences stop them? And, if so, is it right for organized society to ignore its responsibility and place it on the young men that they innoculated with the universal madness? It is expecting too much to think that there is any process by which society can be made to think and feel. Some day, however, when the war fever passes away crime will again take its normal place.

This phenomenon is not new in the world. Everyone interested has noted it before. It has followed all great wars. War means the breaking up of old habits, the destruction of many inhibitions, which in the strongest civilization are only skin deep at the best. It means the return to the primitive feelings that once ruled man.

The Napoleonic Wars left a long heritage of crime. Every nation in Europe was affected by them. Many years passed before the world grew tranquil. Our Civil War brought its harvest of crime. It was felt both North and South. It was not confined to homicide but was shown in all sorts of criminal statistics, especially crimes of violence.

I do not write as a pacifist. There is nothing in the constitution of man that makes pacifism anything but a dream. Man is largely ruled by

fear and hate, and it is not possible to imagine an individual or a race that under sufficient provocation will not fight. Neither is it possible that nations will not always, from time to time, find the provocation sufficiently great. Individuals and nations can philosophize and reason and make compromises when they are calm; but let them be moved by fear and hatred, and these emotions will sweep away every other feeling. The conditions for war were ripe in 1914, and it was inevitable that America should be in it too. This should not make one wish for war nor believe in war nor close one's eyes to its horrors and results. Much less should it prevent him from trying to do his part to restore sanity to the world.

Another consequence of war which America is passing through is the spirit of super-patriotism. This is always aroused and must be aroused to carry on the war. It is potent in creating the psychology that makes men fight. Every people teaches that its own country is the best; that its laws and institutions excel those of all other lands. This spirit is taken advantage of and used by designing men. It is used to send to jail those who criticise existing things. It is used to hamper and destroy any effort to change laws and institutions. The one who criticises conditions is a disturber and a traitor. Those who profit by existing things are always intense patriots and by means of cheap

appeals and trite expressions seek to stifle discussion and criticism. This war has borne a deadly harvest of restrictive legislation in America. We are no longer an asylum for political offenders. We no longer stand for freedom of speech. Old traditions and constitutional and legal guarantees have been swept aside under the hysteria which has prevailed during and since the war. These results were inevitable and will follow war as long as man is man.

All the after-effects of the World War show how completely man is ruled by forces over which he has no control. If considerable numbers of the people have been moved by war hysteria, and if a large part of crime is directly traceable to war, it seems plain that all human action could be traced to some controlling cause, if only man could be wise enough and industrious and humane enough to find the cause. It is plain that the law of cause and effect influences mental phenomena as it does physical acts, and sometime, perhaps, men will seek to avoid the effect by removing the cause.

XXX

CIVILIZATION AND CRIME

As children we have all amused ourselves by looking into a kaleidoscope, turning it around and around and watching the changing patterns formed from the mixing bits of different colored glass in the other end. Each turn makes a different pattern and each bit of glass seems to seek a spot in the general medley where it can be settled until another turn drives it to find a resting place somewhere else. The organization of individual units into a group is more or less such a formation, each seeking to adjust itself to a pattern and finding that the pattern is ever-changing and the individual units obliged to seek new positions and make new adjustments.

It is vain for social theorists to talk of a perfect order, a system of social organization that will find the proper place for each unit and bring social symmetry out of the whole. Such a society is not consistent with the varied capacities and wants of men. Neither is a perfect order possible with ever-

changing and moving physical forces, with new mental conceptions, with new needs and wants, with constant births and deaths, and with the innate instincts of man.

Some system may be the best for a time but must in turn give place to new formations. In this process the old is ever mixed with the new. The past hangs on to plague the present, and the vision of the future disturbs the quiet and stability that the present inherited from the past. Organizations of society are necessary and automatic. The frost on the window pane takes its pattern, the crystals in the glass and stone have their formations, the grain of sand, the plant—all forms of animal life —the solar system and, doubtless, an infinite number of other systems which the eye cannot see or the mind comprehend take on form and order. The symmetry and shape of any of these organizations may be shattered by growth or catastrophe, and new forms may take their place. All life is constant friction and constant adjustment, each particle in a blind way trying to find a more harmonious relation, but never reaching complete rest.

The social and political patterns that men have taken have been of many forms. All through the past these have changed, and the laws and habits that were meant to hold men together, have been made and discarded as fast as new emotions or ideas have gained the power to make the change.

Men are of all degrees of adaptability. Some can readily conform to the new. Some adjust themselves very slowly. Man's structure is fixed; his inherent instincts are of ancient origin, always urging him to primitive reactions; his habits are slowly formed and slowly changed. Slowly he settles himself to the conditions that surround him. He learns their demands; he manages to conform, but the folk-ways that he knew and the way of life he learned must be changed to something else. Every new adjustment, every change of organization, every modification made by civilization, bears its toll of victims who have not been able to adjust themselves to the new order.

The first criminal regulations, doubtless, had to do with the personal relations of men. The number of offenses was small for life was simple, wants were few, and ambition rare. The growth of religion created a ferocious criminal code, regulating every thought and action that God's agents thought might offend the Deity or threaten their power on earth. Anyone interested in the story of punishment for heresy, sorcery or other crimes growing out of religious fanaticism, can read the story in Lecky's *History of Rationalism in Europe,* in White's *A History of the Warfare of Science with Theology in Christendom,* in Draper's *Intellectual Development of Europe,* and in many other books. The Spanish Inquisition alone furnished

about 350,000 victims in the two centuries of its power. Many of them were burned alive, many others were killed by the most cruel torture that could be devised by man. Up to recent times more victims have been put to death for heresy and kindred crimes against religion than for any other cause. Next to this no doubt stand political crimes. Even America hanged old women for witchcraft, a crime they could not commit. Practically all the victims of religious and political persecution have been guiltless of any real crimes, and among them were always many of the noblest of their age.

Every general change of religious or political ideas bears its quota of crimes. For whatever the religious or political organization, it always uses every means in its power to perpetuate itself. This is as true of republics as of monarchies, although the severity of punishment and the amount of heresy permitted change from time to time. Each age is sure that it has the true religion and the God-given political organization. In every age the accepted religion is true, and the king and the state can do no wrong.

One thing only seems to be sure. Human nature does not change. Whether it was the theological systems of the ancient world fighting to keep Christianity out, or Christianity fighting to preserve itself, the same cruel, bigoted, fanatical majority has been found to do its will, and the same reasons

and excuses have served the law from the earliest times down to today.

A letter of the younger Pliny, who was then governor of Bythinia-Pontus, a province of Rome, asking the Emperor Trajan for instructions in dealing with the early Christians shows how persistent are intolerance and bigotry. This might have been written yesterday to seek advice in the suppression of opinion and punishment for sedition in any of the most advanced governments of the modern world, as it was in the most advanced of the ancient world. The letter is here reproduced as an interesting exhibit of human nature and it fixity.

Pliny, the younger, was born in 61 A.D. and became governor of the province of Bythinia-Pontus about the year 112 A.D. under the Emperor Trajan. In the discharge of his duties as governor, Pliny discovered that the conversion of many of his subjects to Christianity had resulted in a falling off of trade in the victims usually purchased for sacrifices at the temples and in other commodities used in connection with pagan worship. As a good governor, Pliny sought to remedy this economic situation, and his plan was to restore his subjects to their old forms of worship. Thus he was brought into contact with Christianity. The following letters, one from Pliny to Trajan, and the other, Trajan's reply, show the situation. These docu-

ments are from the Tenth Book of Pliny's Correspondence, Letters 97 and 98.

PLINY ASKING INSTRUCTIONS OF TRAJAN ON TRIALS OF CHRISTIANS

It is my invariable rule, Sir, to refer to you in all matters where I feel doubtful; for who is more capable of removing my scruples, or informing my ignorance? Having never been present at any trials concerning those who profess Christianity, I am unacquainted not only with the nature of their crimes, or the measure of their punishment, but how far it is proper to enter into an examination concerning them. Whether, therefore, any difference is usually made with respect to ages, or no distinction is to be observed between the young and the adult; whether repentance entitles them to a pardon; or if a man has been once a Christian, it avails nothing to desist from his error; whether the very profession of Christianity, unattended with any criminal act, or only the crimes themselves inherent in the profession are punishable; on all these points I am in great doubt. In the meanwhile, the method I have observed towards those who have been brought before me as Christians is this: I asked them whether they were Christians; if they admitted it, I repeated the question twice, and threatened them with punishment; if they persisted, I ordered them to be at once punished: for I was persuaded, whatever the nature of their opinions might be, a contumacious and inflexible obstinacy certainly deserved correction.

There were others also brought before me possessed with the same infatuation, but being Roman citizens, I directed them to be sent to Rome. But this crime spreading (as is usually the case) while it was actually under prosecution, several instances of the same nature occurred. An anonymous information was laid before me, containing a charge against several persons, who upon examination denied they were Christians, or had ever been so. They repeated after me an invocation to the gods, and offered religious rites with wine and incense before your statue (which for that purpose I had ordered to be brought, together with those of the

gods), and even reviled the name of Christ: whereas there is no forcing, it is said, those who are really Christians into any of these compliances: I thought it proper, therefore, to discharge them. Some among those who were accused by a witness in person at first confessed themselves Christians, but immediately after denied it: the rest owned indeed that they had been of that number formerly, but had now (some above three, others more, and a few above twenty years ago) renounced that error. They all worshipped your statue and the images of the gods, uttering imprecations at the same time against the name of Christ. They affirmed the whole of their guilt, or their error, was, that they met on a stated day before it was light, and addressed a form of prayer to Christ, as to a divinity, binding themselves by a solemn oath, not for the purposes of any wicked design, but never to commit any fraud, theft, or adultery, never to falsify their word, nor deny a trust when they should be called upon to deliver it up; after which it was their custom to separate, and then re-assemble, to eat in common a harmless meal. From this custom, however, they desisted after the publication of my edict, by which, according to your commands, I forbade the meeting of any assemblies.

After receiving this account, I judged it so much the more necessary to endeavor to extort the real truth, by putting two female slaves to the torture, who were said to officiate in their religious rites: but all I could discover was evidence of an absurd and extravagant superstition. I deemed it expedient, therefore, to adjourn all further proceedings, in order to consult you. For it appears to be a matter highly deserving your consideration, more especially as great numbers must be involved in the danger of these prosecutions, which have already extended, and are still likely to extend, to persons of all ranks and ages, and even of both sexes. In fact, this contagious superstition is not confined to the cities only, but has spread its infection among the neighboring villages and country. Nevertheless, it still seems possible to restrain its progress. The temples, at least, which were once almost deserted, begin now to be frequented; and the sacred rites, after a long intermission, are again revived; while there is a gen-

eral demand for the victims, which till lately found very few purchasers. From all this it is easy to conjecture what numbers might be reclaimed if a general pardon were granted to those who shall repent of their error.

TRAJAN TO PLINY

You have adopted a right course, my dearest Secundus, in investigating the charges against the Christians who were brought before you. It is not possible to lay down any general rule for all such cases. Do not go out of your way to look for them. If indeed they should be brought before you, and the crime is proved, they must be punished; with the restriction, however, that where the party denies he is a Christian, and shall make it evident that he is not, by invoking our gods, let him (notwithstanding any former suspicion) be pardoned upon his repentance. Anonymous information ought not to be received in any sort of prosecution. It is introducing a very dangerous precedent, and is quite foreign to the spirit of our age.

Civilization is largely a question of new machinery and methods. It is not the humanizing of men. It is plain that no matter what the time or age, the characteristics of man remain the same. His structure does not change; his emotional life cannot change. New objects and desires may control his feeling, but whatever the aim of the age and place, the same inherent emotions control.

Intolerance has been one of the great sources of evil all down the ages. It is practically certain that neither time nor education has made man more kindly in his judgment of his fellows or more tolerant in his opinions and life. All that educa-

tion can do is to remove some of the inducing causes that have always brought the sharp conflicts and awakened the cruelty of man.

Every civilization brings new evils and new complexities which man meets with the same machine and the same emotions. It is fairly certain that no nobler idealism or no finer feelings have been planted or cultivated in man since the dawn of history, and when it is thoroughly realized that man's structure is fixed and cannot be changed it seems as if none could be developed.

XXXI

THE CONVICT

Human nature is so weak and imperfect that, at its best, it needs all the encouragement it can get. The comradeship of friends, and the attitude of the public and acquaintances are of the greatest importance in effecting the development of most lives. Sooner or later the convicted man is turned out either on probation or parole, or at the expiration of his sentence. He was probably none too strong a man before his conviction. His heredity was poor in most cases, and his environment completed his downfall. He faces the world again with a serious handicap that he did not have at first. If he had just recovered from a severe illness, everyone he met would do all he could to help him; his environment would be made easier than before his confinement in the hospital; and especially from the conditions that placed him there, both society and his neighbors would try to see that he should, as far as possible, be saved. If he had been one of those who could live only by means of his own work, and if on account of himself or his family he had been obliged to over-

strain, an easier place would probably be found for him. The chances of going to the hospital the second time would be very much less than they were the first time. Even his experience in confinement would be of use, and through that experience he would be taught to live and preserve his health.

The discharged prisoner is met in an entirely different way. The ex-convict is under doubt and suspicion from the start. On the slightest provocation he is reminded of his past. He is always under suspicion unless, perhaps, he professes a change of heart. Such a change implies a physical process which is impossible. Some sudden exaltation may furnish him a new emotion for a time, but this can last only while the stimulus has power to act. It will soon pass away and the man will be himself again. It may be possible that here and there is a nature of such an emotional temperament, that religion or socialism or single tax or some other strong conviction may possess him until such time as his feelings begin to cool and change, when he will be safe. But most men are inherently the same when they come out of prison as when they go in. Under right treatment they may gain a little more wisdom as to life that will help them make adjustments; or they may be relieved from some burdens, or placed in an environment of less stress and strain where it will be

easier to live. In those cases, the attitude and help of the community are all-important.

Society is not entirely to blame for looking on him with suspicion. It knows he once failed. It has been taught that this failure was due to a moral delinquency outside the law of cause and effect, and society is naturally suspicious that he will offend again or molest the community in some other way. Had he been confined because he had not the strength to meet his environment; had the law put him in custody under expert control until he gained the strength for his battle with life; or had a new environment been provided under scientific direction as in the case of a hospital patient, society would then take another view and do all it could to help him. New comrades and associates would surround him to show him the way, and they would make his burden lighter. Instead of this, he comes out with his ability to adjust himself to life lessened. If a crime is committed in his community he is blamed or at least suspected. He is known to the police and often "rounded-up." This directly interferes with his employment, places him at a disadvantage with his associates, and drives him into the company of others who feel that the world is against them and that a life of crime is all there is left to follow. It is not hard to see how men come to be " repeaters." It is hard to understand when they do not.

XXXII

ISOLATION AND STERILIZATION

The growing belief that crime comes largely from the subnormal has created a more or less definite demand for the isolation of the moron before the commission of crime and for the sterilization of certain misfits, especially after conviction. Both of these methods are very drastic, and while society must and will adopt any way that seems to be necessary to protect itself, still before accepting such drastic remedies it should be very clear that the danger is sufficiently great to justify the means, that the desired result will follow and that no other means will bring about the end.

In this discussion it should be remembered that the mental classification of children and grown-ups is only in its infancy, that much that is freely stated is still in the realm of theory, and that time and patience in making investigations and classifying facts are most important in arriving at correct results.

The really intelligent are as abnormal as the defective. The great masses of men are rather mediocre, and those above and below are exceptions. This depends on how broad is the class in-

cluded in the normal. There are no sharp divisions anywhere; above, the normal shades imperceptibly into those of unusual intelligence, and below it fades just as gradually into the sub-normal. While defectives are more apt to commit crimes, in the main this is because their environment is too hard for their machine.

The sub-normal are probably more tractable and less disposed to the emotions that lead to criminal acts than are the more intelligent. Their crimes are especially noticed because they seem to be without any serious motive and often shockingly brutal. City life most readily uncovers the sub-normal. This is true because the strain is far greater in the city than the country. There are exceptions to this rule, particularly those portions of the country that are barren and unproductive territory into which the venturesome and obvious unfits are drawn.

The prisons are not the only places which are inhabited by the sub-normal and the misfit. The hardest and most disagreeable and most poorly paid labor is largely done by this class of people. Very few people of superior intelligence and education do manual labor and the more disagreeable the manual labor, the more certain it is that the job is done by the sub-normal and the misfit. A large part of the farm labor, the odd jobs and common labor in small towns, the cheaper labor on railroads, in fac-

tories and all industrial plants is given to this sort of men. In the country and small village, where life is easy, this class seldom makes trouble and is hardly known. These men and women easily and naturally fall into a place in the industry and society of the village and are often among the most useful members.

A general examination of all men to discover the defective and the sub-normal, coupled with a demand that all such be sent to some place of confinement, would meet with such a protest from all classes seriously affected as to end not only the demand but the further agitation of the subject. Any such law, if carried out, would not only seriously increase the cost of all industry, but in many instances would make it impossible to carry it on. It is hardly conceivable that above the idiot, society shall make examinations and tests and confine or sterilize large classes of people who have not yet developed anti-social tendencies, but who on account of feeble intellects might sometime commit crime.

The world has ample data at hand to show more humane and at the same time much cheaper ways, even methods that will yield a profit. These ways have been abundantly illustrated by history and can be witnessed in operation every day.

England was repeatedly conquered and settled by brigands and misfits. When her people grew

more homogeneous and orderly she sent her anti-social to New Zealand and to Virginia. In New Zealand with its opportunities these outcasts and their descendants prospered and were as orderly and conventional as the English society that banished them for England's good. The colonies in Virginia with access to land and a chance to make homes for themselves established a social order and formed communities more prosperous than the ones that sent them out. Many of their descendants are now successful and important members of every western state.

In fact, most of the European immigrants who have settled in the United States were the poor and the outcast, the misfits of European countries. With better opportunities and a chance to build up homes in a new land, their descendants are at least the equals of those who stayed behind. The growth and development of the United States westward from the Atlantic seaboard has been effected by the poorer and less intelligent, but often the more venturesome, who constantly turned West to get cheaper land and a better chance. The residents of these western states compare very favorably with those who still reside in the sections of the country which these pioneers left behind. It cannot be shown that the less intelligent have criminal natures. All that can be shown is that they have a poorer equipment to

meet the stress and strain of life. To make most of this class safe, all that is needed is fairer conditions and an easier environment. If society could only recover from the obsession that what is necessary to regulate man is plenty of prisons and harder punishments, it would be fairly easy and infinitely cheaper to improve the environment from which crime springs than to visit vengeance on the victim.

The effect of education is very great. Many a subnormal and backward person has been educated so he could take a place in life that those with a much greater natural ability could not fill.

Beyond the segregation of the imbecile, the insane and those who have committed crime, it is dangerous to go. The course of preventing crime lies in the other direction, better opportunity and an easier life.

It has grown to be a commonplace in the discussion of crime to speak of isolation and sterilization as the proper treatment of the criminal and defective. This is generally done without any clear understanding of the laws of heredity.

The laws of the transmission from parent to child of traits and tendencies are not yet well enough known to justify any attempt to interfere with the function of life, except in the case of the idiotic. It is plain that crime cannot be inherited. Certain defects in the brain and nervous system

can be and are inherited. No brain or nervous system is perfect, so the problem is one of the incapacity which causes the maladjustment. Crime results from defective heredity when applied to the environment. It comes from the inability of the machine to make the necessary adjustments of life. The making of the criminal is largely a question of his fortune or misfortune in the environment where he is placed. It is absurd to say that one inherits the tendency to rob or rape or burglarize or kill. He may inherit an unstable organization that in certain hostile environments will lead him to any of these crimes. For that matter all men inherit the organization that will bring these results if the environment is sufficiently hard. Society may in many ways place too high a value on human life. Still we punish men who place too low a value on the lives of others, and the state should be very slow to destroy life or the capacity for life.

There is much to learn, much to explain about the mysterious workings of heredity, before man can undertake to say that he has the wisdom or justice to choose the ones who should be the bearers of life to the future.

It is most common to find in the same family various degrees of intelligence. Now and then a man of such high powers and faculties is born that he is regarded by scientists as a "sport" who de-

fies all known laws in his origin. Often one person in a family is of commanding strength, while the rest are commonplace.

The insanity and disease that afflict many men of genius is well known. Grasset in his book *The Semi-Insane and the Semi-Responsible* has given a long list of eminent names. Many great authors have depicted insanity in their most gifted characters. Genius is frequently an indication of insanity. It is a wide departure from the normal.

The obscure and lowly origin of many of the world's greatest men seems to point to the fact that Nature has methods that man cannot comprehend and with which it is not wise for him to interfere. The fact is that genius, or even great strength or ability in the parent, is by no means sure to be handed down. In fact, it is very rare indeed that such unusual traits persist. That sterilization should follow as a punishment for sex crimes is without any sort of logic except that sterilization relates to sex. The whole idea is born of the hatred or loathing of certain crimes.

Generalizations have been made from a few poorly authenticated cases, and these generalizations have gone far beyond anything that the evidence can justify. It does not follow that because the father and son have black hair, or the mother and daughter have blue eyes, or that their mannerisms are similar, that inheritance is responsible for

character, much less for crime. Certain things are clearly traceable to heredity. Other things may be the result of association or what to us must still be accident.

Often the fact is pointed out that great progress has been made in the culture of plants and the breeding of animals. This is true. No intelligent farmer to-day would think of raising any but the best stock. He takes pains with the breeding of his cattle. If he wants rich milk and butter, he breeds Jerseys or Guernseys. If he wants a larger quantity of milk and a fair beef animal, he breeds Holsteins. If he wants beef only, perhaps he raises Durhams. At any rate he knows what he wants and breeds that kind. Similarly the horse-raiser will breed for race horses or dray horses as the case may be, and the system works with almost mechanical certainty. He gets what he wants and would never think of raising scrubs and taking a chance on results. The effect of selective breeding and culture is beyond dispute, and to many it seems obvious that all that is needed to perfect the human race and wipe out misery and crime is to supervise human breeding in the same way, so that the species may be controlled.

At first glance this seems to be the logical thing to do, especially as the effects of heredity can no more be doubted in man than in animals. Still there are important questions to be asked and

grave dangers to be encountered. When we say that the well-bred Berkshire hog is better than the "razor-back," we mean that it will produce more meat for food. In other words the hog is better for man. If we were to ask which would be the better, if the hog were to be considered, the answer would probably be the "razor-back." The fact that the food consumed by the Berkshire produces a large quantity of fat, makes him unfitted to live if he were living for his own sake. Turn both hogs out to run wild, and the "razor-back" will live and the Berkshire die. Nature will make her selection and adapt the hog to his environment. The Berkshire will produce more lard, but it will not run so fast; it has no more brains and cannot adapt what it has so well to the preservation of life. The same thing is doubtless true of other animals and likewise of plant life. The Jersey cow would not survive in a natural state. She gives too much milk and for too long a time. Man has made of her a milk-machine. Turn all thoroughbred horses out on the plains to shift for themselves, and they would either die or gradually be modified until they were adapted to the free and wild life of the plains. This would not be so good for man, but would be better for the horses.

In plants and animals, man can by selection breed or cultivate any characteristics that he may choose, but he cannot produce a horse which is both

a draft horse and a running horse; he cannot produce cattle that are the best both for milk and beef. He is urged to try scientific breeding on the human race. How would he have man changed? Would he experiment for more intellect, or a bigger and stronger physique? Would he breed for art and civilization or would he breed for strength and physical endurance? What qualities are desirable for the human race? This would be a very hard question even to entrust to a popular vote. While the capacity of cattle to produce milk can be increased, cattle cannot increase their own capacity or improve their own quality. This can be done only by the slow and patient processes of Nature in the line of adapting the animal to its environment. The rapid change that is to come about by breeding must be directed and controlled by man. The cattle have nothing to say about the process. No doubt a higher order of beings who could control man might, and perhaps would change him by selective mating. How they would change him would depend on the use they wished to make of him, not on what the man himself would like to do. The contemplation of a higher order of beings experimenting with the human race is not a pleasant one for intelligent men.

Can we imagine men, through government, forcibly experimenting with each other? Who would settle the kind of man that was to be evolved or

the specific changes that would be required? Or, what was to be done and how? Who could prophesy what man would be like when he should be made over in the likeness of something else? Who are the people with the breadth and tolerance and infinite wisdom, in whose hands it would be safe to place the remodeling of man? It is hard to conceive that it can be seriously considered.

Nature in her own way is a eugenist. By her slow processes she is continually wiping out the unfit and adapting man to the environment where he must live. Perhaps by saving too many of the unfit man is more or less interfering with the processes of Nature, and it may be that the interference with her method of work is bad. But Nature is mindful of this tendency and if it is not in accordance with the profoundest laws of being, Nature will have her way in spite of man's meddling. Any change that can be brought about by selective mating must come by natural processes aided by the education of each individual through a closer study of the origin and evolution of life. This must leave everyone free to do his own selecting, rather than to trust it to the state. Society can do much toward giving man an environment which will more or less be adjusted to his heredity. To give him a heredity that will conform to his environment is quite another thing and probably must be kept practically free from the theories,

vagaries and experiments of man. It would seem so absurd and dangerous as not to be worth discussing except for the fact that the movement, both for sterilizing and some degree of control of mating has already gone far in some of the states. There is no limit that fanaticism or hatred will respect.

No doubt the popular opinion that in some way crime and pauperism are inherited has been strengthened by the literature concerning the family that has been given the name of "The Jukes." The first extensive study of this family was made by Richard L. Dugdale, who was connected with the New York Prison Association. It was first published in 1877 and may almost be regarded as the "Uncle Tom's Cabin" of the scientific study of crime in America.

Mr. Dugdale was evidently a careful student, an honest investigator and a humane man. Strange to say, deductions have been freely and carelessly made from his book, which the investigations do not warrant, and against which he carefully cautioned the reader. No one can examine Mr. Dugdale's book without being impressed with the quiet unassuming modesty and worth of the author, and yet in the hands of those who have so often carelessly and unscientifically generalized from his studies, it has possibly brought more harm than good.

The book covers investigations made by Dugdale between 1850 and 1870, a period in which little was known about the laws that govern inheritance, and necessarily, much evidence was pure hearsay without the data of careful investigation at hand. The case, however, does show a surprising number of criminals, paupers, harlots and misfits, descending from their original ancestor. From time to time further investigation has brought the history of the family down to 1918.

The ancestor with whom the investigation begins was born some time between 1720 and 1740. In the report the original is called " Max." He has been described as a "hunter and fisher," "a hard drinker," "not fond of work," fairly intelligent and leaving no record of crime. He probably left behind a large family, some of whom were legitimate and some illegitimate. The family came from a barren, rocky, lake region in New York and several generations grew up in the vicinity. The only industry was rough work like quarrying stone, logging and the like. Later a manufacturing plant was located in the region. The Jukes early got a bad name in the small community. Even when they wanted to find employment it was hard to get a job. They were socially ostracized and individually boycotted. The region was poor, and for the most part the family grew up in poverty. Often several members of a family lived

in one room and slept on the floor indiscriminately, regardless of sex. For several generations few of them wandered far from the ancestral home. The locality was one that naturally came to be the resort of the poor and the outcast; these are always driven to the cheapest and most barren land. Whether the community was related by blood or not, the residents would almost inevitably be of the same class. Rich people cluster closely together for association and fellowship. The poor and wretched do the same. Common observation in city and country shows that this is inevitable. It comes from deeper and more fundamental laws than human statutes. It is born of the gregarious instinct and fostered and developed by economic law.

In the main, lax habits grow from surroundings and association. The tendency of all human beings is to revert to the primal. It is only association that keeps the individual units up to the tension that civilization expects and demands. Every community shows many examples of this inevitable tendency. Nature is constant; civilization spasmodic. Especially with sex relations, conditions are the chief factor. Nature knows little or nothing of the regulations fixed by society and custom. Poverty and wretchedness reach outward through a community and by association between the old and the young pass down the gen-

erations. Nothing but a complete change of environment can counteract the inevitable tendency. When social classes arise and the cleavage is clear and established, no great effort is made by the superior members to aid the inferior. In fact they are almost invariably left to themselves. Poverty and wretchedness are not transmitted in the blood, but in the environment.

It is not many years since physicians and communities believed that tuberculosis was inherited. In all communities there were instances of this dread disease spreading out through families and down the generations. It required the sacrifice of many lives and the careful investigation of scientists to discover that tuberculosis was the result of germs, generally accompanied by an impoverished system. These germs were transferred by close association and lack of sanitary conditions. It is as easy to transmit shiftlessness, idleness and lax habits as disease.

Dugdale's figures of delinquency in the Jukes family are doubtless much too high. A large percentage of facts was gained from gossip and hearsay about those long since dead. The details show that many crimes charged were not even proved, others were evidently not crimes, and in any small community suspicion would rest upon a member of this family who was accused. Then too, the poor in court and out have a hard time defending

themselves. They are frequently convicted when accused. The evidence in regard to the subnormal and defective is still less satisfactory. Without close examination and thorough tests, illiteracy generally passes as subnormality. Very few of the subjects were submitted to a careful test. It is at least probable that this family was not much different from the other families who lived in like circumstances in the community.

Dugdale's original examination covered 709 cases out of about 1200 that were supposed to be living at the time. Of this number, 180 are put down as having received institutional and outdoor relief. The criminals and offenders are put down at 140. Habitual thieves convicted and unconvicted are listed at 60. Common prostitutes are put down at 50.

After Dugdale's investigation the family, from industrial and other conditions, became scattered and spread out over many states. A record has lately been made of the descendants of this family, the later record showing much improvement in the stock. This must be due to environment. It seems fairly certain that with time and opportunity, it will not much longer be a marked family.

Quite aside from the history, it seems certain that no results such as shown by Dugdale could have followed from inheritance. Defectiveness is a recessive factor; normality a dominant one. If

such were not true, this would be a world of feeble-minded. If the Mendelian law held good in this regard, from a union of a defective and a normal person, three out of four would be normal, but as a matter of fact, the percentage of normal is no doubt much greater. It is only when both father and mother are feeble-minded that feeble-mindedness is sure to show in the offspring. With the modern care of this sort of defectives, the chance of breeding is growing rapidly less.

The Kallikak family is cited as another illustration showing the possible inheritance of criminality and poverty through a defective strain. This family, so far as shown, makes it still clearer that what some authors have charged to heredity is simply due to environment. These investigations do not show the need of controlling birth but do prove the necessity of improving environment. It is not possible to speak with certainty as to heredity and environment. The thorough investigation of these two factors which make up life is still in its infancy, but scientists are working out the problem, and we may be confident that with the right attitude toward crime, a remedy will be found for such cases as result from environment.

XXXIII

CRIME, DISEASE AND ACCIDENT

The criminologist has always looked for the cause of crime in some other direction than in the inherent wickedness of the criminal. Only those who make and enforce the law believe that men commit crimes because they choose the wrong.

Different writers have made their catalogues of causes that are responsible for crime, and most of these lists are more or less correct. There can be no doubt that more crimes against property are committed in cold weather than in warm weather; more in hard times than in good times; more by the unemployed than the employed; more during strikes and lockouts than in times of industrial peace; more when food is expensive and scarce than when it is cheap and plenty; more, in short, when it is harder to live. There is no doubt that there are more crimes of violence in extreme hot weather than in cold weather. That is, heat affects crimes as it affects disease and insanity and death; in short, as it affects all life. More crimes of violence are committed after wars or during heated political campaigns than at other times; more of such

crimes when, either by climatic or other conditions, feelings are intensified or aroused and less subject to control. Likewise there are more crimes committed by young men between seventeen and twenty-four or five years of age than at any other age. Neither the very young nor the old commit crimes, except in rare cases. All the old people could be safely dismissed from prisons. Some few of the senile would need attention, and many need support and care, but none are dangerous to the community. There can be no question that practically all criminals are poor. Even when bankers get into prison they almost never have much money when they start that way, and none when they arrive. They are sent for something that would not have happened except for financial disaster. There is no longer any question that a large number, say probably from ten to twenty per cent of the convicted are, in fact, insane at the time the act was committed, and that the demented, the imbecile, and the clearly subnormal constitute many more than half of the inmates of prisons. Most of the rest can be accounted for by defective nervous systems, excessively strong instincts in some directions, weak ones in another, or a very hard environment. Add to this the facts that only a few have ever had any education worthy of the name, that most of them have never been trained to make a fair living by any trade or occupation, that almost all have had a

poor early environment with no chance from the first, and most of them have had a very imperfect heredity. In short, sufficient statistics have been gathered and enough is known to warrant the belief that every case of crime could be accounted for on purely scientific grounds if all the facts bearing on the case were known.

Is there anything unreasonable in all of this? Is it outside of the other manifestations of life? Let us take disease. Clearly this is affected by heat and cold; beyond question it is largely the result of inherited susceptibilities. Poverty or wealth has much to do with disease. Many poor people die of tuberculosis, for instance, where the well-to-do would live. The span of life of the rich is greater than that of the poor. The long list of diseases from under-nourishment is mainly from the poor. Age affects disease, increasing the hazard of death. The food supply seriously affects health. Ignorance is a prolific cause of disease. Or, to speak more correctly, the lack of education and knowledge prevents men from living so that sickness will not overtake them, or so that they can recover when they are attacked by disease. The strength or weakness of the nervous system is a material factor.

The times of life, too, when the ravages of disease are greatest are as distinct as those of crime. And barring the fact that the few who are left at

seventy rapidly drop away, the time of the greatest disasters would rather closely correspond with that of crime. Tuberculosis and insanity, for instance, take their greatest toll in the period of adolescence between fifteen and twenty-five years, just as crime does, and the percentage of both begins falling off rapidly after thirty.

Accidents can be as surely classified, and many of them in the same way. The poor naturally have more accidents than the rich; the ignorant more than the educated; the poorly-fed more than the well-nourished. Accidents are directly affected by climatic conditions; they are affected by human temperaments, by the strength and weakness of the nervous system, by the environment, by heredity, and by all the manifold stimuli that act on the human machine.

Legislatures have long since recognized that crime does not really stand as a separate and isolated phenomenon in human life. They have long since passed laws to safeguard the community against loss by accident and disease. A lengthening list of statutes can be found in our code regulating dangerous machinery, the operation of railroads, the running of automobiles, the construction of buildings, the isolation of the tubercular and those suffering from other contagious diseases, the amount of air-space for each person in tenement and work-shop, the use of fire-escapes and all of

man's conduct and activity for the prevention of accidents and disease.

Quite apart from the question of the wisdom or the foolishness of all this line of legislative activity, over which there will always be serious discussion, it is evident that criminal conduct even now occupies no unique or isolated place in law or human conduct. All unconsciously the world is coming to look on all sorts of conduct either as social or anti-social, and this regardless of what has already been classified as criminal. A few years since science was absorbed in the study of man's racial origin and development. Today, biology and allied sciences are devoted to unraveling the complex causes responsible for individual development. It is fair to presume that this new effort of science may be able in time to solve the problem of crime, and that it may do for the conduct and mental aberrations of man what it has already done for his physical diseases.

XXXIV

LUCK AND CHANCE

Accident and luck may seem to have no place in a world of law, and yet the fate of lives rests almost entirely on what can be better classified under this head than any other.

This is a pluralistic universe. The world is made up of an infinite number of independent machines, each having its own existence and controlled by the laws of its own being. In going its several ways and living its own life, inevitably it often clashes with others and is seriously affected by them. The fox and the rabbit both roam the woods, apparently at will, at least independently of each other. By an infinite number of circumstances, at a particular time and place, their paths cross and the fox devours the rabbit. Had they not met at the time and place, the fate of the rabbit would not have been the same. The fox would have traveled farther and eaten another rabbit or some other animal in its stead.

An engine is running on a railroad track. It makes the trip day after day without accident or disaster. An automobile is one of a million built in

a far-off city. Its mechanism is marvelous, and each part is dependent on the rest for its normal functioning. Some vital piece of the machine contains a flaw. How it chanced to be imperfect is another story involving endless speculation. An inherent natural defect in the ore, or a tired workman anywhere from the original smelting place to the last hand that touched it, may have been the cause; or, the reason may be still more impossible to discover. The machine is purchased and does its work perfectly for months. It is driven thousands of miles without any mishap. It is propelled along the highway and reaches the railroad track over which the engine runs. It is filled with happy people enjoying a vacation. The automobile and the engine reach the crossing at almost the same time. The automobile driver sees the engine and applies the brakes. For the first time since it left the shop, the machinery does not work. The car forges ahead and reaches the tracks just in time to be struck by the engine. The merry party meets disaster. No power could foresee the catastrophe, nor provide against the death that must result. Inevitably comes the clash of independent machines.

Each human being is a separate machine. Along the road of life he meets countless others like himself. Some chance meetings are fortunate and help the journey. Some other chance meeting with a human machine, a mechanical device, an

infinitesimal microbe that happened to be at the same place at the same time brings disaster or death. This is luck or chance or fate, and this really hovers over every life, controlling its course and destiny and deciding when the puppet shall be laid away!

Luck and chance are the chief of all factors that really affect man. From birth to death the human machine is called on to make endless adjustments. A child is born and starts down the road of life. He starts blindly and, for the most part, travels the whole way in the mists and clouds. On his pathway he meets an infinite number of other pilgrims going blindly like himself. From the beginning to the end, all about him and in front of him are snares and pitfalls. His brain and nervous system are filled with emotions and desires which lure him here and there. Temptations are beckoning and passions urging him. He has no guide to show the way and no compass to direct his course. He knows that the journey will bring him to disaster in the end. He does not know the time or the nature of the last catastrophe he shall meet. Every step is taken in doubt and pain and fear. His friends and companions, through accident or disease, drop around him day by day. He cannot go back or halt or wait. He must go forward to the bitter end.

The whole journey of life is largely a question

of luck. Let anyone ask himself the question how often he has escaped disaster or how often death has just passed him by. How often has he done some act that would have led to degradation had it been known? How many hair-breadth escapes has he met? How many accidents has he had which luckily were slight but which easily might have caused his destruction?

Chance is the great element in life. Two men invest money; one gains a fortune, the other loses all. Two men are riding in a machine and it goes over a cliff; one is killed, the other escapes. The deadly germ is taken by one, it passes the other by; or, it is taken by one when his health will make him immune, by another at the time that it will destroy his life. How many temptations to violate the law has one just missed by a lucky accident? How many times has a previous experience, education, or a friend at the right time saved him from destruction?

The imperfect man travels this road; he is poor and friendless; his life is a long series of accidents great and small. The first accident that weakens his structure makes the second more certain and so on in increasing ratio until the end. Good luck crowds around one life, while ill luck and disaster follow another's footsteps wherever he goes with the persistency of his shadow.

In all the infinite number of chances one false

step may be enough to bring final disaster. All depends on the nature of the step. Every pilgrim makes innumerable false steps; often luck alone saves the situation; often luck alone compasses the destruction.

Insurance companies know just when accidents will befall the insured. If a man lives long enough he will die from a mischance. In a thousand men, a certain number will meet accident in a given time. It is just the same whether the insurance is written to be payable when a leg is cut off by a train or when money is embezzled from an employer. In either event the time can be figured out, and inevitably it will come if the time is long enough.

Neither is it necessary that the bad luck shall be great at the first misfortune. It may be but the loss of a few dollars which another could easily stand. It may be only a few days of sickness which would be of no consequence to someone else. It may be the death of a father or an uncle, while the same sort of tragedy might be the source of another's wealth. It may be some other person's hard luck which takes him from school and leaves him to follow a life of hard and constant toil. It may be that he had the bad luck not to marry the person of his choice, or it may be that he had the bad luck to marry her. It may be because he had no children; it may be because he had too many.

It may well be that he has been saved from prison by dying early of tuberculosis. He may have been saved from a railroad wreck by going to jail. Infinite are the tricks of chance. Infinite are the combinations and consequences that may come from turning the cards in a single deck.

Who is the perfect one that should be willing to punish vengefully his fellow-man? Let one look honestly into his own life and pick out the important things that lead to fortune or disaster from birth onward, and say how many are the results of circumstances over which he had no control.

Where is the human being, in the presence of a dead child or a dead parent or a dead friend or in the presence of a terrible trouble, that has not sat down in sorrow and despair and again and again lived over every circumstance that led to the disaster, asking why he did not turn this way instead of that way? Why did he not stop here, or go there; why did he do this or why did he not do that? Why did he not take this short step? Why did he not think of this or think of that? If only any one of almost an infinite number of things had been done or left undone, the dead would be alive or the disaster would not have befallen. Every man who is honest with himself knows that he has been a creature of conditions and chance, or at least what is chance as far as a man can see, and what

was clearly chance to him. He knows that if he has met success, he has only been more in luck than the rest. If he has intelligence and human sympathy, he feels only pity for the suffering. He would never punish in vengeance or hatred. He knows that all do the best they can, with what they have.

Enumerating some of the many causes of crime ought to be an unnecessary task. To give the number of ways men die or are killed by accident, means only that sooner or later they die, and if they had not died one way, they would have died another. It means only that a machine will inevitably give way in some part, and man may go on finding the weak spots and strengthening them forever and still the end will come. Fate does not look for a weak spot; it looks for the weakest and finds it.

Manifold causes produce crime; some men commit it from one cause: some from another. Statistics only show the number of men who commit crime from the various separate causes. In logic and philosophy it really shows that, a certain heredity placed in a certain environment, will meet obstructions and obstacles. Some heredities will carry men further, and some environments will overcome them more quickly; but as surely as effects follow from causes, every heredity will meet disaster in some way under any environment, and the time

and kind of disaster it meets depend not upon perverseness or freedom of will, but upon the fortune of the meeting of heredity with the manifold environment that surrounds every life. It must be plain that life lasts only as long as it makes adjustments. That it consists only of adjustments. That, ordinarily, strong heredity and a good environment will serve the longest. That, generally, a weak heredity and a poor environment will meet disaster soonest. Life may be lengthened either by improving the heredity or the environment or both. Whatever catastrophe overtakes it and the time it falls depend not upon the will of the machine, but upon the character of the machine that starts on the journey and the road it travels. The disasters cannot in reason or justice be divided into criminal or non-criminal. They are all natural; they are each and all inevitable. Each is the inevitable destruction of a machine which could stand so much, but which could stand no more. And in each, in spite of both heredity and the general environment, the constant meeting with other machines due to pure luck and chance is a great factor, if not the chief factor, that determines the individual life.

XXXV

PARDONS AND PAROLES

It has always been the province of the Chief Executive of a state or nation to grant pardons or clemency to those who are confined in prison. This is largely to correct the mistakes of courts and juries and is often indulged in by presidents and governors at Christmas time. Experience shows that during the trial of a case, especially one that causes public notice and general discussion, injustice is frequently done. Often the defendant is convicted when he should have been acquitted, and still more frequently punishments are excessive and cruel. Almost never is any serious inquiry made as to the heredity and environment of the accused. Probably trial by jury has served to save many defendants where the judge would have convicted, and has still more often tempered and modified penalties. Still, juries are by no means free from the mob psychology that surrounds and affects most important and well-known cases. Jurors are generally none too intelligent and not very ready to stand against public opinion. Most men agree with the crowd. The prevailing religious opinion and the dominant political and social ideas are

accepted and believed by the ordinary citizen. Social and business considerations cause most men to go with the crowd, and in any case of importance it is easy for a jury to tell the feeling of the populace. If the case has attracted much attention, the juror knows the prevailing ideas as to the guilt or innocence of the defendant. When he takes his seat in the box he almost always shares that feeling. If the case is not one he has heard of or discussed, he can easily tell by the actions and surroundings of the court room how public feeling lies. All lawyers know how readily men feel the sentiment of a court room and how much easier is the task when the sentiment is their way. Juries are also apt to have an undue regard for the opinion of the judge. In spite of the fact that it is their province to pass upon the facts, they are very watchful of all the judge says and does and are prone to decide a case as they believe the judge wishes it to be decided. Even when the judge is not permitted to express any opinions on the facts involved, it is difficult for him to hide his real feelings, and when his desire is strong for either side it is easy to make his opinions known.

A jury is more apt to be unbiased and independent than a court, but they very seldom stand up against strong public clamor. Judges naturally believe the defendant is guilty. They feel that the fact that an indictment has been found is a strong

presumption against the accused. The judge regards himself as a part of the administration of justice and feels that it is a part of his duty to see that no guilty man escapes. Generally, in the administration of the court he is very closely connected with the state's attorney and naturally believes that the attorney would not have procured an indictment, much less pushed a trial, unless the defendant was guilty.

The whole atmosphere of the court at the time of the trial calls for a harsher and more drastic dealing with a defendant than would naturally prevail after the feeling has passed away. For this reason, the pardoning power is given to the chief executive to correct errors or undue harshness after the legal proceedings have been finished. Often after months or years, the persons or family who have suffered at the hands of the defendant feel like reversing their judgment or extending charity, and it is not unusual that the prosecutor and judge who conducted the case ask for leniency and a mitigation of the sentence is imposed. So often is an appeal made and so frequently is it felt just to grant clemency, that this part of the duty of the chief executive has grown to be very burdensome and really impossible for him thoroughly to perform. The policy of the law is further to give a prisoner some consideration and in cases of good behavior and mitigating circumstances to release

him before the expiration of his time. In most states this has called for the creating of a board of pardons and parole. The statutes fixing penalties for certain offenses provide for a reduction of a certain number of weeks or months each year, but as a rule courts take this provision into consideration and figure out the net time they wish to give the defendant so that there is no clemency except through pardon or parole.

In most states the duties of the board are very grave and its business large. With this has generally gone a law providing for the release of prisoners on parole before their sentences are finished. In these cases the prisoner is paroled to someone who promises the board to employ him, and a monthly report is to be made of his conduct for a stated length of time. He is then given conditional freedom, subject to the revocation of the parole by the board on the violation of its terms.

The administration of this power has made the parole board one of the most important, if not the most important, of any branch of the state government. The lives and well-being of thousands of prisoners are absolutely dependent on this board. Even more important are the happiness and well-being of the families of the inmates of the prison. The power and responsibilities of this board are so great that only men of the best judgment and of humane and just tendencies should be trusted

with the task. It also calls for great courage such as few men on boards possess. The public generally clamors for vengeance and unfairly and unjustly criticises the board, especially when a released man violates his parole or commits another crime. This frequently happens. Perhaps on an average ten per cent of those paroled are sent back to prison before their term expires. All this makes it hard for the board to perform its duties, and makes the members of the board timid and doubtful of the result, often causing them to deny paroles in many cases where they should be given.

A great deal of criticism has been made of the parole system. Public officials and that part of the crowd that is clamorous for vengeance are always ready to assail its activities unfairly and unduly. Most professional criminals are against the parole board. Speaking of the State of Illinois, I am sure that the parole law, instead of shortening the time of imprisonment, has lengthened the terms. All lawyers in any way competent to handle the defense of a criminal case would, in the event of conviction, almost always get a shorter term for their clients from a jury or from the court, or even from the prosecutor, than from the parole board. I feel strongly that the board is too timid and unwilling to grant paroles. Still in spite of this there can be no doubt that the parole law is a step in the right direction, and it should be upheld by

all who believe offenders should have a better chance. If human nature in the administration of law could be relied on; if there were some method of getting men of courage and capacity with plenty of competent aid and assistance to take charge of paroles and prisons, then the ideal sentence should be one that fixed no time whatever. It should simply leave a prisoner for study and observation until it was thought wise and safe to release him from restraint. This like all the rest could not be done with the present public attitude toward criminals. So long as men subscribe to the prevailing idea of crime and punishment, no officials could stand up against public opinion in the carrying out of a new and radical theory, and even if such a board should be established, the law under which it acted would soon be repealed or the members of the board forced to resign and a new one would take its place.

In spite of the fact that the effect of parole boards has been to lengthen sentences, and in spite of my personal belief that they should be materially shortened, I am confident that the parole system should be maintained with the hope of improvement and the chance of gradually educating the public until sentences can be naturally shortened, and the care and control of prisoners be placed on a scientific and humane basis.

A board of pardons and paroles should be made

up of men who are really interested in their work. They should carefully keep up with the literature on crime and punishment; they should be scientists in all matters touching their work, and they should be men of humane feelings. It is too much to expect that all of this can be found in a board for a long time to come, but with good sense and the right attitude of mind the board could employ the skill that it does not now have. Every prisoner should be the subject of attention, not of spying, but of friendly interest that would inspire confidence and trust,—such an interest as a wise doctor has in a patient. This attention would in most cases gain the confidence of the prisoner and make it possible to find out how far he could be trusted, at the same time showing the treatment and environment he needed for future development. Where this confidence could not be had, safety would probably require a longer term. Most men respond to kind treatment. The criminal has so long looked on the world as his enemy, especially the official world, that he hesitates to trust anyone. Still the really sympathetic and kindly man who is honestly trying to help him will sooner or later get his confidence and coöperation. Every prisoner should understand that all of those around him are anxious to educate him so as to fit him for society and to put him in an environment where he can live. Even then there would be mistakes, and a portion of the

prisoners would be so defective or imperfect that they never could be released; but under proper treatment many would be restored to association with their fellow-men.

It will be a long time before it will be safe to make sentences entirely indeterminate. Boards cannot be trusted to give such time and work and judgment to their task as will prevent cases of great injustice. Until such time shall come either the statutes must fix an unbending and arbitrary time which takes no account of individual cases, or it must be left with the court or jury. Clearly the jury should fix the maximum, leaving the members of the board to reduce the penalty if they deem it wise.

Most men are forgotten when they go to prison, especially if they have no active friends on the outside. No board can fully keep in mind all the inmates of a large prison. It may be that by some system their attention is automatically called to the man at certain times, but this matters very little. Someone should know he is there and why, and who he is. He should not be an abstract, but a concrete man. For these reasons, a limit should always be set on a punishment and the limit should not be too long. The idea of a tribunal, perhaps including the judge who passed sentence, having the power and the duty imposed upon him to review sentences and reduce them if it seemed best

from time to time might have a good effect. The feelings of most men in reference to the degree of punishment change as time goes by. Always with the punishment is a strong feeling of both hate and fear. It is not possible really to punish, that is, to inflict suffering without hate or fear. The most necessary thing in preparing soldiers to fight, is to teach them to hate and fear the enemy. In the trial of a case, these feelings are fresh in the minds of the prosecutor and the judge when the case is finished, and they necessarily act more or less under the dominance of their passions. In time these feelings fade, and a saner and kindlier judgment takes the place of the first feelings that possessed the mind.

With the parole system is going on a movement for probation. This provides that the convicted man need not be sent to prison but may be released on certain terms, sometimes requiring that money taken shall be refunded. After that he shall be placed under the supervision of some friend or agent who will report from time to time to probation officers or to the court. Probation is generally granted to young prisoners and first offenders but usually not permitted in cases that the law classifies as the most serious.

Parole and probation are much the same in theory. In both these cases the clemency should depend much more upon the man than on the

crime. It does not follow that a very serious crime shows a poorer moral fibre than a lesser one. It may well be that the seemingly slight transgressions, like stealing small amounts, picking pockets and the like, show a really weaker nature than goes with a more heroic crime. There is no such liability to repeat in homicide as there is in forgery, pocket-picking or swindling. The seriousness of a homicide is likely to make it impossible that the same man shall ever kill again. Many such men would be perfectly safe on probation or parole. But the smaller things that are easily concealed and come from an effort of the condemned to live, either without work or in a better way than his ability or training permits him to do in the hard and unfair conditions that society imposes, are often much harder to overcome. At any rate, the main question should be in regard to the man and not the crime. In cases of parole or probation, society should do what it can to help the man make good. Generally employment is necessary and a different and easier environment often indispensable. If organized society would only take the pains to make an easier environment for all the less favored, the problem would be fairly simple and most of the misery that comes from crime and prison would gradually disappear.

XXXVI

REMEDIES

Students of crime and punishment have never differed seriously in their conclusions. All investigations have arrived at the result that crime is due to causes; that man is either not morally responsible, or responsible only to a slight degree. All have doubted the efficacy of punishment and practically no one has accepted the common ideas that prevail as to crime, its nature, its treatment and the proper and efficient way of protecting society from the criminal.

The real question of importance is: What shall be done? Can crime be cured? If not, can it be wiped out and how? What rights have the public? What rights has the criminal? What obligations does the public owe the criminal? What duties does each citizen owe society?

It must be confessed that all these questions are more easily asked than answered. Perhaps none of them can be satisfactorily answered. It is a common obsession that every evil must have a remedy; that if it cannot be cured today, it can be tomorrow; that man is a creature of infinite possi-

bilities and all that is needed is time and patience. Given these a perfect world will eventuate.

I am convinced that man is not a creature of infinite possibilities. I am by no means sure that he has not run his race and reached, if not passed, the zenith of his power. I have no idea that every evil can be cured; that all trouble can be banished; that every maladjustment can be corrected or that the millennium can be reached now and here or any time or anywhere. I am not even convinced that the race can substantially improve. Perhaps here and there society can be made to run a little more smoothly; perhaps some of the chief frictions incident to life may be avoided; perhaps we can develop a little higher social order; perhaps we may get rid of some of the cruelty incident to social organization. But how?

To start with: it seems to me to be clear that there is really no such thing as crime, as the word is generally understood. Every activity of man should come under the head of "behavior." In studying crime we are merely investigating a certain kind of human behavior. Man acts in response to outside stimuli. How he acts depends on the nature, strength, and inherent character of the machine and the habits, customs, inhibitions and experiences that environment gives him. Man is in no sense the maker of himself and has no more power than any other machine to escape the law

of cause and effect. He does as he must. Therefore, there is no such thing as moral responsibility in the sense in which this expression is ordinarily used. Punishment as something inflicted for the purpose of giving pain is cruelty and vengeance and nothing else. Whatever should be done to the criminal, if we have humanity and imagination, we must feel sympathy for him and consider his best good along with that of all the rest of the members of the society whose welfare is our concern.

While punishment cannot be defended, still self-defense is inherent in both individuals and society and, without arguing its justification, no one can imagine a society that will not assert it and act for its defense. This will be true regardless of whether the given society is worth preserving or not. Inherent in all life and organization is the impulse of self-preservation. Those members of society who are sufficiently "anti-social" from the standpoint of the time and place will not be tolerated unduly to disturb the rest. These, in certain instances, will be destroyed or deprived of their power to harm. If society has a right attitude toward the subject, if it has imagination and sympathy and understanding, it will isolate these victims, not in anger but in pity, solely for the protection of the whole. Some there are who ask what difference it makes whether it is called punishment or not. I think that the attitude of society toward the crim-

inal makes the whole difference, and any improvement is out of the question until this attitude influences and controls the whole treatment of the question of crime and punishment.

If doctors and scientists had been no wiser than lawyers, judges, legislatures and the public, the world would still be punishing imbeciles, the insane, the inferior and the sick; and treating human ailments with incantations, witchcraft, force and magic. We should still be driving devils out of the sick and into the swine.

Assuming then that man is governed by external conditions; that he inevitably reacts to certain stimuli; that he is affected by all the things that surround him; that his every act and manifestation is a result of law; what then must we and can we do with and for the criminal?

First of all we must abandon the idea of working his moral reformation, as the term "moral reformation" is popularly understood. As well might we cure the physically ill in that way! Man works according to his structure. He never does reform and cannot reform. As he grows older his structure changes and from increase of vitality or from decrease of vitality his habits, too, may change. He may likewise learn by experience, and through the comparing and recalling of experiences and their consequences may build up rules of conduct which will restrain him from doing certain things

that he otherwise would do. Anything that increases his knowledge and adds to his experience will naturally affect his habits and will either build up or tear down inhibitions or do both, as the case may be. If he has intelligence he knows he is always the same man; that he has not reformed nor repented. He may regret that he did certain things but he knows why and how he did them and why he will not repeat them if he can avoid it. The intrinsic character of the man cannot change, for the machine is the same and will always be the same, except that it may run faster or slower with the passing years, or it may be influenced by the habits gained from experience and life.

We must learn to appraise rightly the equipment of every child and, as far as possible, of every adult to the end that they may find an environment where they can live. It must never be forgotten that man is nothing but heredity and environment and that the heredity cannot be changed but the environment may be. In the past and present, the world has sought to adjust heredity to environment. The problem of the future in dealing with crime will be to adjust environment to heredity. To a large extent this can be done in a wholesale way. Any improved social arrangement that will make it easier for the common man to live will necessarily save a large number from crime. Perhaps if the social improvement should be great

enough it would prevent the vast majority of criminal acts. Life should be made easier for the great mass from which the criminal is ever coming. As far as experience and logic can prove anything, it is certain that every improvement in environment will lessen crime.

Codes of law should be shortened and rendered simpler. It should not be expected that criminal codes will cover all human and social life. The old method of appealing to brute force and fear should gradually give place to teaching and persuading and fitting men for life. All prisons should be in the hands of experts, physicians, criminologists, biologists, and, above all, the humane. Every prisoner should be made to feel that the state is interested in his good as well as the good of the society from which he came. Sentences should be indeterminate, but the indeterminate sentence of today is often a menace to freedom and a means of great cruelty and wrong. The indeterminate sentence can only be of value in a well-equipped prison where each man is under competent observation as if he were ill in a hospital. And this should be supplemented with an honest, intelligent parole commission, fully equipped for thorough work. Until that time comes, the maximum penalty should be fixed by the jury, the parole board retaining the power to reduce the punishment or parole. No two crimes are alike. No two offenders are alike. Those

who have no friends on the outside are forgotten and neglected after the prison doors have been closed upon them. Some men now are confined much too long; others not long enough. No doubt, owing to the imperfections of man, this will always be the case.

At present no penal institutions have the equipment or management to provide against such shortcomings. They never can have it while men believe punishment is vengeance. When the public is ready to provide for the protection of society and still to recognize and heed the impulses of humanity and mercy, it will abolish all fixed terms. As well might it send a patient to a hospital for a fixed time and then discharge him, regardless of whether he is cured or not, as to confine a convict for a definite predetermined time. If the offense is one of a serious nature that endangers the public, the prisoner should not be released until by understanding or education, or age, or the proper form of treatment, it is fairly evident that he will not offend again. When the time comes, if it is the day of his incarceration, he should be released. The smallest reflection ought to teach that for many crimes, especially for many property crimes, it is hopeless to release a prisoner in an environment where he cannot survive. An environment adjusted to his heredity must be found by the state.

All indignities should be taken away from prison life. Instead the prisoner should be taught that his act was the necessary result of cause and effect and that, given his heredity and environment he could have done no other way. He should by teaching and experience be shown where he made his mistakes, and he should be given an environment where he can live consistently with the good of those around him.

Various reforms have been urged in the treatment of criminals and in criminal procedure in the courts. Most of these impress me as possessing no fundamental value. It is often said that the accused should be given an immediate trial; that this and subsequent proceedings should not be hindered by delay; that the uncertainties of punishment furnish the criminal with the hope of escape and therefore do not give the community the benefit of the terror that comes with the certainty of punishment that could prevent crime. I can see no basis in logic or experience for this suggestion. It is based on the theory that punishment is not only a deterrent to crime, but the main deterrent. It comes from the idea that the criminal is distinct from the rest of mankind, that vengeance should be sure and speedy and that then crime would be prevented. If this were true and the only consideration to prevent crime, then the old torture chamber and the ancient prison with all its

hopelessness and horror should be restored. Logic, humanity and experience would protest against this. If there is to be any permanent improvement in man and any better social order, it must come mainly from the education and humanizing of man. I am quite certain that the more the question of crime and its treatment is studied the less faith men have in punishment.

England and Continental Europe are often pointed to as examples of sure and speedy justice. The fact that there are more convictions and fewer acquittals in England in proportion to the number of trials does not prove that the English system is better than ours. It may and probably does mean that ours is better. Here the accused has more chance. There the expense, the formality, the power of the court all conspire to destroy every opportunity of escape, regardless of innocence or guilt. Even the fact that there are fewer crimes committed in England does not prove that the system is best or that it prevents crime. An old country with its life of caste lacks the freedom and equality that naturally produce defiance of rules and customs and lead to breaches of the law. Other things being equal, a greater degree of freedom leads to more violations of rules and greater resisting power among the poor than a lesser degree of freedom. It does not necessarily follow that the country is best where the people are the most obedient. Com-

plete obedience leads to submission, to aggression and to despotism. Doubtless China has fewer crimes than England. The power of resistance is so crushed that no one thinks of defying a master, resenting an injury, violating a rule, claiming any personal rights or protesting against caste, age, or privilege.

Always there are certain men who believe that all reform in criminal procedure must come by abolishing juries and submitting every question to a court. Those who are rich and strong and the lawyers who advocate their interests are mainly arrayed on this side. The poor and rebellious, with those who naturally or otherwise advocate their cause, stand for the juries as against the courts. Those who strive to be fair are often misled from a lack of experience and little judgment of human nature. The public is always against the accused. The press is against him. The machinery of the law is against him. The dice are loaded for his conviction. Some people have childish faith in the courts. But judges are neither infinitely wise nor infinitely good; they come from the ranks of lawyers and for the most part from those who have been long engaged in defending property rights; they are generally conservative; they are not independent of public opinion; almost invariably they reflect public opinion, which means the public opinion of the community in which they live. Few of them

have much knowledge of biology, of psychology, of sociology, or even of history.

One curse of our political life comes from the fact that as soon as a man has secured an office, he has his eye on another and his whole effort is to please the people, that is, the people who express themselves the most easily. Very few judges rise to a great degree of independence or defy popular clamor. A jury is less bound by public opinion; their responsibility is divided; they are not as a rule seeking office; while swayed by the crowd they are still more independent than judges and with them the common man, the accused, has a better chance.

No doubt judges are abler, better educated, more accustomed to weighing evidence and able to arrive at a more logical conclusion than most juries. Still none of these qualities necessarily leads to just findings. Questions of right and wrong are not determined by strict rules of logic. If public opinion could come to regard the criminal as it does the insane, the imbecile, or the ill, then a judicial determination would be the best. But as long as crime is regarded as moral delinquency and punishment savors of vengeance, every possible safeguard and protection must be thrown around the accused. In the settling of opinions and the passing of judgments, mob psychology is all-powerful and really, in the last analysis, every human ques-

tion comes down to the power of public opinion.

The first thing necessary to lessen crime and to relieve victims from the cruelty of moral judgments is a change of public opinion as to human responsibility. When scientific ideas on this important subject shall be generally accepted, all things that are possible will follow from it. Some headway has already been made in the direction of considering heredity and environment. Theoretically we no longer hold the insane responsible, and some allowance is made for children and the obviously defective. The discouraging thing is that the public is fickle and changeable, and any temporary feeling overwhelms the patient efforts of years. In the present mad crusade against crime consequent upon the Great War, penalties have been increased, new crimes created, and paroles and pardons have been made almost impossible. The public and press virtually declare that even insanity should not save the life of one who slays his fellow. Repeatedly the insane are hanged without a chance, and sentences of death are pronounced, where before, a term of years, or life imprisonment would have been the penalty for the offense. Individual men and collections of men are ruled not by judgment but by impulse; the voice of conscience and mercy is always very weak and drowned by the hoarse cry for vengeance.

As long as men collectively impose their will

upon the individual units, they should consider that this imposition calls for intelligence, kindliness, tolerance and a large degree of sympathy and understanding. In considering the welfare of the public: the accused, his family and his friends should be included as a part. It need not be expected that all maladjustments can ever be wiped out. Organization with its close relation of individual units implies conflict. Nevertheless, the effort should be to remove all possible inducement for the violent clashing of individuals and to minimize the severity of such conflicts as are inevitable.

THE END

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WAR PRISONERS

BY

CLARENCE S. DARROW

War Prisoners

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ADDRESS BY

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AT THE

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NOVEMBER 9, 1919

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WAR PRISONERS

I am not certain whether I shall please many of you in my view of this subject. Anyhow, I mean to discuss it honestly with myself, and I am not interested in whether anybody accepts my views or not. If they accept them, I have more responsibility, because the views may be wrong.

I want to discuss this subject from the standpoint of man, as he is, not as he will be under the socialistic commonwealth or any other ideal or impossible state of society. I want to discuss it with reference to today and the near future, which is a million years anyhow; and with man as man, or rather man as one of the animal creation—more intelligent than the ape, but ruled by the same emotions as the rest of the brute creation. Those emotions, feelings, perhaps are somewhat modified by a larger brain, but still essentially, and for all scientific purposes, are like that of the so-called lower animals.

Fine-spun theories about what society ought to be, to my mind, have little place in a discussion of this sort. The scientist takes man as he is and discusses questions with reference to that, and does not expect to judge his flying qualities, for instance, by the bird, his swimming qualities by the fish, or his spiritual qualities by angels. That is the way I take him; and that is the way I wish to take him for this discussion.

I approach this question as one who believed in this war. Not because I love war; for I hate it. Not because I do not wish that in the economy of nature there might be something else. But I believe that man is a fighting animal, and that the United States had nothing to do but fight. I shall discuss it from the standpoint of one who, from the time Belgium was invaded, believed that it was the duty of the civilized world to drive the last German back to the Fatherland! And this, utterly regardless of whether those Germans were better or worse than the people who were driving them back.

I believe in man as a mechanism, and an imperfect one at that, and I considered the invasion of the Germans into France and Belgium just the same as I would have considered the rising of a tide that should be stopped for the protection of the people that it would overrun. I discuss it as a man who believed that the duty of the United States' government was plain; that to protect our integrity and dignity as a nation we had to fight, serious as that fight was, and much as war meant.

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I cannot discuss it in any other way. I believed in it then. I believe in it now.

The question to me as to this line of prisoners coming from the war is not what was the duty of the United States during the war, but the duty of the United States, now that the war is finished, and the need is gone.

I believe that the first law of nature is self-preservation and that this law applies to nations as well as to individuals. And, I can imagine no state of society where it will not apply to nations as well as to individuals. And I can say this, assuming that a time comes in many nations when they should be overthrown, or destroyed, and not even assuming that our nation will be an exception to the rest. The instinct of life goes with living; and this is true with the individual, the family, the community, the state, the nation, and the race. Self-preservation is the highest of all laws, and I believe it is so recognized by every one in their own conduct, if not in their philosophy.

I have heard many men, and women, for whom I have a high regard, complain of the violation of "Constitutional rights" during the war. Now, I try to be honest with myself, at least. I have no doubt but what constitutional rights were violated over and over again during the war, and since—and before. In the main, I, as one individual, was willing to see constitutional rights violated during the war. I would have hoped, and did wish that there might be fewer of those violations; that the barbarous and medieval penalties might be less severe, and of course that all the people I know would escape—but that is a personal emtion. At the same time, believing as I did in this war, that it was just and necessary, that the first law of individuals and nations is self-preservation, I did not worry so much about the means of self-preservation.

The most ardent pacifist; the most ardent friend and believer in the release of all conscientious objectors and all war prisoners—none of these people really care much for constitutional rights. They believe, like everybody else, in having their own way. They are strong for constitutional rights when they think those constitutional rights will help their cause. And they do not believe in the constitutional rights of other people when they think they will hurt their cause. I have seen few radicals who were against the war, from whatever motive, who were not strong for the government of Lenine and Trotsky in Russia. Now, my sympathies are with them, as against

the old regime. I know that they have committed atrocities. I know that they have disregarded the rights of individuals, which are deeper than constitutional rights. I know that they have killed almost indiscriminately, and everybody else knows it. I believe also that they did what seemed necessary to do to maintain themselves. And of all the excuses that were made for them, the chief one is that the world was against them and they had to do it! They did have to do it? Every body of people who are undertaking to accomplish something, like every individual who is undertaking to accomplish something, seldom bothers about trifles. The thing to be done is to be done. And, if laws and institutions and constitutions are in the way, so much the worse for laws and institutions and constitutions!

Now, you people, who are disciples of Bolshevism—whatever that is—all believe it, and yet you cannot help criticising the American government for violation of constitutional rights in which you do not believe yourselves! The person who complains about constitutional rights does not do it out of any love for constitutional rights. He does it because he and his friends are hurt. And, if he and his friends could win, a little matter of the constitution would not stop him, and it stops nobody.

Let me go a little deeper into that because I want to make it clear. What are constitutions and laws? They are simply the customs and traditions and habits of people written into statutes and constitutions. They are embedded there until they are a part of the foundation, and it takes some violent revolution, either with force or without it, to change them. It is a simple matter. That is exactly the meaning of a constitution. And all law and much of the progress of the world has been made in absolute violation of constitutions and laws and everybody knows it.

And deeper than constitutions and laws is the will of the people, and when that will is strong enough—I do not care who the people are, whether socialists or capitalists or philosophers—when the will of the people is strong enough, it overrides them. It always has, and it always will. So, to my mind, it amounts to nothing, for nobody pays any attention to it unless it serves his purpose. I prefer to meet this question squarely upon the facts of life and upon the philosophy of existence and of government.

Man persists. He lived long before any constitutions were made; he wrote his constitutions out of human life and human

experience; and he will be here probably long after all constitutions die. He and his life are the fundamental things, and nothing can get in the way of man and his life; nothing can get in the way of it that does not meet with a catastrophe. The people, if you get enough of them, are supreme. I am not obsessed with the people. They are cruel; they are unimaginative; they are unintelligent to the last extreme. Long ago I stopped passing panegyrics on the people. But this is true about them, when you get enough of them thinking the same way on any subject they have their way! And, the last thing they stop to inquire about is whether their way is "constitutional" or not!

I know there are lawyers of more or less integrity and scholarship who say there have been no convictions during this war, on account of freedom of thought and speech; that there have been no restrictions on constitutional liberty. I do not wish to cloud this issue in any such way. Men have been sent to prison during the last two years for expressing their honest conviction. They have been sent to prison for speaking freely the things they could have spoken before the war started. Everybody knows it, whatever they say. There is one excuse the government had, and only one, and to my mind this excuse is quiet sufficient. And that is, that we are engaged in something that was deep and fundamental, and whether everybody agreed with the government or not, there were enough who agreed, who thought war was necessary, to carry it on at the time. And no matter who the majority is, however liberal or radical, or what it sought, this majority would have done exactly the same thing. So, the question is not whether we have violated the constitution; the question is, what should be done now?

All these things are easily understood by one who, for a few moments will forget his point of view, and try to look the facts in the face. I do not ask anybody to believe that this war was just. If you can imagine a war, as most of you can, which you would think was just, as for instance, a class war, you know you would do just the same as the others did. And you know just the same thing has been done in Russia. And nobody can say it was right or that it was wrong. It was just in the nature of things, like a glacier plowing its way across the continent, nothing else. I have talked with a good many pacifists who said they did not believe in war; but I have noticed how their eyes kindled and their cheeks reddened when they heard of a victory of the Bolsheviks! Nobody liv-

ing is indifferent to war. Nobody living who can reach that state of philosophical nothingness so they can look at a dog fight and not choose their dog. It is not human nature, because man does not live by intellect. If he did life would be short! He lives by human feelings, and human emotions, which are the moving forces of life, and his sympathies and feelings go out, and he takes sides. When anybody tells me they didn't care who won, I—well, what is the use of saying?

I was sorry to see many people sent to prison. I do not believe in prisons, anyway. I knew that a great injustice was done individuals. And I want to be honest about this question, too. I know that probably the great majority of people who were sent to military and civil prisons during this war were high-minded, conscientious people, and had committed no real wrong; that is, so far as they themselves were concerned, they were utterly devoid of any criminal intent. And criminal intent is supposed, in law, at least, to carry moral turpitude with it. There was no moral turpitude mixed up with it. Most of them, I will not say all. But I must remain true to my philosophy until I change it—which might be next week. I do not believe there is such a thing as moral turpitude. I am a fatalist; I do not believe in free will; I think every human being is a machine, and has no more control over his actions than a "Wooden Indian". But, society sorts out criminals as those men whose acts imply a moral turpitude which I do not believe in. Under this definition, most of the people who were sent to prison during the war were not criminals; there was no moral turpitude in it.

Of course, while I do not believe in prisons, I do believe that there are people who must be restrained of their freedom so that I can get along! Insane people; morons; people so distinctly anti-social, from some cause or other, that we cannot live in any comfort with them, need to be restrained, without any regard to right or wrong; they ought to be given a good time, perhaps better than they could have if they were not in prison. But, restraint is necessary, and I can imagine no state of society where we would not need restraint. So, of course, to one of my views, it makes no difference whether one has moral turpitude or not. The only question is, who is dangerous, and when I say dangerous, of course I mean dangerous to me. As a state, I would say dangerous to the state. Of course, if enough people who were dangerous to the state could get together, they might overthrow the state and send the other people to jail; but that is the chance you take.

So, during the war, I can find no honest criticism, from my point of view, for the forcible detention of those who were actually in the way of carrying it on. I might say that it was not the best way. I think people got unduly excited, and I think we were all a bit crazy during the war and haven't got over it yet! I think the people could have been left to say more and print more and do more with perfect safety to the country. And when I mean the country, I mean for the prosecution of the war. I think they could, and I think they should. But, that in nowise affects the fundamental proposition, which is true to life, and true in philosophy, that the individual or the state has the right—I do not like to use the word "right", for it does not mean anything—the individual or the state always will protect its life in great emergencies, and it will never be especially careful about the means. Of course, it may be careful about the means when the danger is slight, but it will never be careful about the means when the danger is imminent and great. Individuals and states are just alike in this.

Now, having said so much, let us see what the present situation is. There are a great many things that the typical objector does not consider. The United States found itself in a war and it was a big one. In a very few months we made America a military camp. I am not going to discuss whether that was right or wrong; I am going to assume it was right. It makes no difference whether it was right or wrong. We, the majority, were powerful enough to do it, and we did it. This work was done quickly. A stupendous work which taxed all the energies and wealth and industry of the country. It was done hurriedly and still with great efficiency, on the whole. Mistakes, of course, were made, even in the line of getting at the result intended. But, it was a wonderful piece of efficient work. Officers were placed in responsible positions without training or skill or experience to fill those positions. Courts martial were organized by men who were in no way qualified to conduct them. And, it was all done in the mad heat of war, when nobody was sane. You cannot fight when you are sane, whether you fight a country or your neighbor. You must be mad, which means crazy. It was all done in the fiercest period of hatred, deep and intense, which always goes with war, and which does not prove that war is necessarily wrong. I am not interested in that question, because it happened. I would be very silly to argue with an earthquake. And one is just as silly to argue with a war when the war is on.

These elemental forces cannot be argued with. Never could be, and, well, I fancy, I do not know—but I fancy never

will be. It was absolutely necessary that great mistakes and great injustices should happen in a machine thrown together in this way, laboring under this condition, in intense excitement and great peril to the world.

That mistakes occurred; that they were serious and many, is beyond any sort of question. I do not blame anybody for them. They happened; they would happen again. The question for me is what are we going to do about it now? I do not blame Mr. Wilson or Mr. Baker, whom I have known for fifteen years, and know to be an intelligent, high-minded, humane man, one of the best I ever knew. Both he and Mr. Wilson have so managed their work that they have lost the friendship of both the conservatives and radicals. And you are doing pretty well when you do that! I know one is doing well, for I have done it myself! And I want to say that I fully believe—though it does not prevent me from saying what I think on this question—that I fully believe it will not be very long until Mr. Wilson will show where he stands on this question—that he stands for humanity and mercy! Now, you can see whether I have prophesied right or not. If he does not do it, it will not prevent my saying what I think about it! I think it should be done, and done quickly.

Now, I am for giving everybody a fair show. And one should consider the work Mr. Wilson has had to do, the condition of his health, and the serious difficulties in his position, and judge honestly instead of condemning, unthinkingly. I read the other day what one of the pillars of the Progressive Party said about him—Senator Poindexter of out west somewhere—he said that President Wilson had encouraged anarchism and bolshevism more than any other man in America, and both he and Baker have received the most brutal, extreme, unrelenting condemnation by that class of people who pride themselves as being one hundred per cent American—whatever that means. So, I am willing to suspend judgment.

Now, let us see some of the general causes of the great difficulty that brings about these mistakes. There are three or four classes of people that I want to speak about. There are those people, some sixteen thousand in 1918, who were condemned by courts martial. In the main they received barbarous, extreme and medieval sentences. What are some of the general causes? In the first place, under an obsolete tradition, every court martial was made up of officers; no private could be tried by privates. He was tried by officers. These officers were young, inexperienced and clothed with an ex-

traordinary power—a power of life and death. And they were boys who, of course, could not know much—I was once a boy myself. These were officers in a business entirely new to them. Every private was tried by them, and ninety-four per cent of all the privates were convicted. Only six per cent got away. When there was a charge made against an officer, the officer was tried by officers. Only thirty per cent of the officers were convicted, as against ninety-four per cent of the privates. Upon the face of it, this system is far removed from democracy; it is far removed from what is better, a certain, humane sympathy that goes with people who are substantially alike; it would be impossible that great injustices should not result, and the broad figures show it. Ninety-four per cent of the privates placed on trial were convicted and thirty per cent of the officers convicted.

They were defended by people who were appointed from the regiment, generally not lawyers. It is all a lawyer can do to defend a man right. Men, without experience; boys, utterly unable to do the job. As Colonel John Wigmore said, a very large percentage had no defense made for them. They never had any real review of their cases. And, military officers, in the last analysis, really pronounced the sentence. If there was any review, it was not by a real court. These decisions were really not judicial decisions, but military orders, under which men were sentenced to the severest penalties, ranging all the way from one to ten, twenty, thirty, forty, fifty years, and death. Then, in a civil case, after you have been tried and acquitted, you are out of it; you cannot be tried again. But, in these military trials, if, six times in a hundred, a boy escaped, and the officers at headquarters were not satisfied with it, they could order a new trial; and they did, over and over again, sometimes two or three times, which is barbarous in the extreme.

The sentences were such as to shock a person who has had any experience of civil life or the courts. For instance, these courts martial provided for a review at headquarters, and a person had to go to the Adjutant General and from there to the Commander-in-Chief. Down in Texas, they sentenced thirteen negroes to death, and to make sure of it, they killed them thirty days before the record ever got to the court of appeals. A reversal of the sentence would have done no good. Twelve men, experienced and old in the service, in one of the camps, all non-commissioned officers, who had been out somewhere in the evening, and were unlawfully arrested by

the officers in charge of the camp, were told to train, stand formation and drill. They refused on the ground that army regulations forbid men under arrest to drill. They were sentenced from fifteen to twenty-five years.

Now, of course, in any system of criminal procedure, the punishment ought to bear some relation to the offense. Here were twelve officers who were illegally arrested, ordered to parade and drill while under arrest, by young, inexperienced officers, and they refused. Fifteen to twenty-five years. Is there any chance to defend any such thing? It is idle to say that these were times of war and military discipline must be maintained. It must be. But the maintenance of military discipline does not call for any barbarity like this and like what was commonly practiced in the sentences in the camps. Any number of these instances can be given. One only has to look them over, read the history of them, to find out what they mean.

In France, on one occasion, four boys, all under twenty, were sentenced to death, two for sleeping on their post, and two for disobeying an order to drill, because of cold and exhaustion. A man was appointed to defend them, another boy, absolutely inexperienced, and he plead them guilty. They were sentenced to death. News of it reached Washington. On investigation it was shown that the two boys who slept had been working so long that it was impossible for them to keep awake. The same has often happened to locomotive engineers who have been compelled to run day and night until exhausted. They could not help going to sleep. And the others were so tired out they could not march or drill and it should never have been asked of them. Mr. Baker pardoned two of these and reduced the sentence of death to three years in the case of the other two. And he did this against the protests of the army officers. Now, I am not criticising the army officers. Everybody has an extravagant idea of his business. Everybody thinks the world rests upon him and his profession, and the army is no exception to it. It believes in discipline though the heavens fall. Of course no one will question that a considerable amount of discipline is necessary; but they have overdone it. It is utterly unknown to the civil law. No free people could consent to it for a moment in times of peace, and yet the whole record of all these criminal trials was substantially the same. Fortunately, the news of these cases got to Mr. Baker in time, and he had the patience to examine the papers. Excepting for this accident and the humane action

of the Secretary, these four boys would have been shot without having been defended, without a chance, and with no opportunity to disclose the facts. There are instances of men, absent without leave, just left the camp as some of you might leave your work and go to a baseball game—might; or to a convention, more likely. Some of them absent without leave, for a few hours, some under strong extenuating circumstances, who got sentences ranging from six days to twenty-five years.

There was no machinery to do this work any more than there was machinery for furnishing camps and cantonments. It had to be made at once and out of the material they had, without a chance to educate those who were in charge of the serious business of judging their fellowmen. And it is a serious business, which needs experience, sober-mindedness and charity. All of this was necessarily lacking in most of these trials. One can take the records, which are easily obtainable, and find case after case of this sort.

Of course there were some courts martial that were more humane than others. Men of a broader vision. Some defendants better defended than others. And there was the greatest difference and diversity in the various camps of the United States and in France.

Our military law has come down from the old-time British law; at a time when nobody but the nobility could be officers and nobody but the peasants were private soldiers. There were very few of the nobility and a good many of the peasants, which made the commanders few and the army large. Of course the commanders did it all. England has modified the proceedings. So has France, but America has not. I am not here to criticise so much what we have done, although it is wrong and cannot meet the feelings of justice or democracy of the average American, but I am here to see what shall be done with the manifold mistakes and cruelties that resulted from it all.

I need not go over these cases in detail. In one year there were sixteen thousand of them. A court of review was absolutely powerless to review them if it had been a court, and it was not a court; it was a commanding officer issuing orders.

These boys really had no trial that could resemble a trial. They had no semblance of what is called a trial when one is charged with an offense. We, in America, as in England, have cherished trial by jury as one of the priceless safeguards of freedom and of life. And yet none of those sixteen thousand

had any such trial; not one. We have treasured the right of a man to be defended in court by some one competent to defend him, yet almost none of them had any such chance. A lot of inexperienced boys, going out with their lives in their hands to do the best they could, and caught in this terrible malestrom and sacrificed. The least the American people can do is to save what is left of them, and do it quickly!

I want to refer to another class of victims of the war feeling. Now, mind, I am not criticising the feeling, its intensity or its cause. I fancy I was a part of it, though I always meant to keep my head during it, and perhaps did fairly well. But, it was a terrible feeling which swept over the world, and moved the people of the earth as they were never moved before; it was a feeling which made men forget everything but the war; they would forget their lives, even their property, some of them; their families, their friends, everything but the war. And, it not only reached our military courts, but our civil courts, and barbarous and extreme penalties were pronounced there, which ought to be set aside, and set aside quickly! For expressing opinions against the war, men were subjected to a penalty of twenty years' imprisonment. And judges always pronounced the longest term. Once in a while some very soft-hearted man would make it ten.

There is only one possible excuse for it, and that is the excuse that I have heard some judges make, that it was never intended to carry them out, but they should last during the war. That excuse would be good to me if they only last during the war!

The Espionage Act is manifestly unconstitutional, although the courts have said it is constitutional—it makes no difference to me in my judgment of it; I might very likely have held it constitutional if I had been a judge, I don't know. But I would have held it constitutional, like a railroad ticket, "For this trip and train only".

The Constitution forbids Congress to enact any law in restraint of the freedom of the press and freedom of speech, and nothing can be plainer than that this was a law restraining the freedom of speech and the press. It does not need argument, and I would respect the judges and lawyers more if they placed it on the line of public necessity, than I would if they make the miserable quibbles that somehow they could distinguish between this law and some other law, and that it was really constitutional.

I have said to you that I believed in this war from the beginning. I know there were a good many people who did not, some of them as honest as I, possibly some of them as intelligent; I would not say about that, but anyway, as honest. You never can find any question that everybody agrees on. They may say they agree, but they do not. There is always bound to be a difference of opinion among men on any subject; that comes from the different sized hats they wear and the different nervous systems they got from their great, great, great grandmother. This country had a large German element; it had a large Irish element, hostile to England, and a large Jewish element, hostile to Russia; it had people here from every country on earth who were bound to be influenced more or less by their likes and dislikes of the various European countries at war. Then, we had people who did not believe in war in any way; who thought they were pacifists, but who still like to see their side win, although they would not admit it; there were people who honestly thought that the United States should not be in this war. Not strange; not at all strange. It would be strange if there were not tens of thousands of people in America who honestly hold these opinions. And I know of no way to tell whose opinion is right and whose opinion is wrong. The only way I have of knowing whether your opinion is right is by comparing it with mine. That is the only way anybody ever has of doing. I am willing to admit that among the thousands of opinions I hold there is very likely somewhere, some one of them twisted, but if you ask me about each opinion separately I can defend every one of them and be sure they are right. And that is very reasonable because if I could not defend them I would change so I could not be wrong from my own standpoint.

We had all kinds of people in this country, with all kinds of views. Every other country had the same, but perhaps to a smaller degree than we because most of the other countries are more homogeneous in their populations. Men and women were not permitted to make an argument or speech against the war. Of course, I am making no complaint, I had perfect freedom of speech during the war. I do not see why anybody else should complain; I did not have any trouble! You could discuss the war perfectly freely, so long as you were for it! Now, I am not quarreling with that. I think I like the British method better. They let you discuss it. If it got too hot, they would mob you. That is much better because it does not leave a law on the statute books to do mischief after it is over. I know perfectly well that there are limits that must be placed

at times like the ones we have passed through and I know perfectly well, if the law does not place the limits, men and women will place them! So it is small difference which way it is done.

For instance, a great many people did not believe in the draft, in conscription! I did not. Although I will confess that my reason was not quite the same as some of yours. I thought it would be revolting to the Americans, and we would have harder work getting an army that way, and still I also feel, as I felt then, that it was a terrible thing to make a young man go and fight in a foreign land. It is. I believe that it was necessary. Whether I am right or wrong, nobody can tell. But I never saw the time that I did not know perfectly well what it meant and what a serious thing it was. I was a little amused by many people of my age or even younger, who told young men of twenty how sorry they felt that they were so old they could not fight! I did not see any reason why they should not be permitted to fight if they wanted to.

There were people, of course, who did not believe in conscription; who felt it an express violation of their individual rights. And it is not at all strange that they should feel that way. Everybody is not a philosopher and cannot go to the foundation of things, and I do not know as I could if I had been in the draft age. I cannot tell. We passed these laws and enforced them drastically because in the opinion of the majority in power, it was necessary for carrying on the war. I say that it would not have made any difference whether we passed them or not. In times when a country is at war, and when people's feelings are intense over the war, they will not permit men to oppose the war at home; I do not care who the men are, it would have made no difference. Human nature is deeper than law, and if these laws had not been passed, it would have been dealt with outside of the law. That was done in our Civil War. As wise and humane and kindly a man as Lincoln, found Vallandingham, who was running for Governor in my home State of Ohio, making violent speeches against the war; he was taken and set down in the other lines and told he belonged there. Lincoln had the right to. I don't know exactly what right means. People talk about rights. He had the power to do it and he did it. Over and over again newspaper offices were destroyed; men were mobbed during the Civil War. And during the Revolutionary War, a large number of people were forcibly driven from the United States because they sympathized with the revolution.

Why, few of the really respectable people of the United States believed in the revolution! That was carried on by the hoodlums and George Washington! Preachers, lawyers, judges and bankers were mostly all with England. Why not? They were not losing anything. New Brunswick was settled by the loyalists, who were driven out by the mobs during the Revolutionary War. They did not need any law for it. Human nature is law enough when it is awakened. Human nature, is deeper than law. It gets back to the very fount of life and life depends on it. It has always happened and always will happen. So, whether these things were done by law or not, made little difference. And I am interested, now that the war is over, in correcting the manifold barbarities which grew out of the frenzy of the time.

I could not tell you how many men and women have been convicted under the Espionage Act. I do not know. I do know that in the temper of the country; in the temper of juries and courts, they could not have the fair trial that any citizen, whether American or otherwise, ought to have. I know they could not have a calm, deliberate, human judgment upon the facts of their cases. I know that for some trifling offenses and which were freely allowed before the war; for doing what under the Constitution of the United States every citizen had the right to do since America was a nation; I know that these sentences, from five to ten years, even twenty years, were given, right and left to all comers, almost without discrimination.

These men and women for the most part were honest. They were speaking their convictions as much as I was speaking mine. There was no question of bravery in it. They were braver because it does not take bravery to go with the crowd. The newspapers always tell about the fearless judge who hanged a man. A fearless judge who hanged a man! He is fearless so far as the man goes, but he may be a coward so far as the newspapers go. We might as well say "a fearless hunter who killed a rabbit!"

These people, for the most part, were conscientious, and they were brave, and largely, they are in prison today. You all know of the case of Eugene Debs! No braver, truer, kindlier man ever lived than Eugene Debs! No such man ought to be in jail in any country, unless under the strongest need, which I never believe existed here! And certainly it cannot be excused when all need is gone. You remember Kate O'Hare? Ten years for each of these. She, a kindly, humane,

intelligent woman. Rose Pastor Stokes, who has not yet reached jail, who for an interview in the Kansas City Star, which did not reflect her opinions, wrote a letter to the Kansas City Star, which they placed in the District Attorney's hands and then convicted her of attempting to interfere with the draft; no chance for any one to see it, unless the Kansas City Star gave it to the world. Ten-year sentence—ten years.

The case of four young Russian Jews, three boys and a girl, is specially outrageous. These enthusiasts were circulating leaflets calling on the Government to withdraw our soldiers from Russia. For this they were sentenced to twenty years each in the penitentiary.*

*Appended hereto is the dissenting opinion of Justice Holmes of the Supreme Court as published in the daily press. This was concurred in by Justice Brandies.

Assume, for the sake of argument, that in times of war, what any of these said should not have been said because it interfered with the right of self-defense of a nation. What proportion is there between the offense and the penalty? What relation does it bear to the administration of justice in the United States? So far as meeting out justice to an individual is concerned, it is simply a mockery. If it is a question of defense of a nation, then the need is gone. The prison doors should now be opened!

Everybody takes advantage of a war, good and bad alike. They take advantage of everything. Everybody is edging up on you in this world. I have always found them that way; trying to put something over. War time is a good time to put over prohibition! A good time to put over any old scheme, under the necessities of war. A good time to raise the price of beef; a good time to put over repression of free speech; a good time to get rid of agitators and disturbers. Of course, if you can put it over under the necessity of war, then you are all right, anyhow. Eternal vigilance is the price of liberty as well as a lot of other things. Men have to be everlastingly watchful or something will get away from them, if they have it.

Under the Espionage Act, advantage has been taken to try and convict many people whose offenses were not against the Espionage Act at all. Why have the I. W. W.'s been unmolested year after year in this country, until the Espionage Act was passed? And then everything that they were said to have done since their organization is brought in as an offense against the government and against the law that is only two years old?

Why? Somebody wanted them. Maybe they ought to get them. I don't know. But if they do, it ought to be done in the clear light of day! It ought to be under statutes fitted to their case and not as a war necessity, like prohibition!

The Espionage Act has done its work and is now a nuisance and a menace and should be promptly repealed.

There is one other class that I want to speak about. They are the conscientious objectors! There are a good many of them in jail. I think they should be released, too. Of course, you have to remember in all this discussion my premise—the war was right, and necessity knows no law. I just read yesterday a very able address on the conscientious objectors, which was full of poor philosophy. The government thought it necessary to have conscription; it had the power to have it and did have it. Of course, they had the power to say who should go to war, provided people would obey it and go; which they did. The statement I read said the law exempted only conscientious objectors who belonged to churches. And that this was because they thought a church member could be better trusted if he was a conscientious objector than others. That was not the purpose of the law. The government had the power to make any provision about men who should go to war that it wanted to. The government of the United States provided that only conscientious objectors in regular standing, in some well known religious organization, could be exempt. Why? Because, of course, there were tens of thousands of people in the draft who would not want to go, and would have said they were conscientious objectors when they simply did not want to go. Had the government provided that no conscientious objector could be sent to war, of course, it would have been a loop-hole for tens of thousands to get out of the terrible burden and danger of going to fight. Of course, I would not blame any of them for doing it; although I am glad they went.

That law, to my mind, was absolutely reasonable. There is no reason for exempting a conscientious objector. I remember having a talk with one of the government officials about it, in reference to pardoning some of them. He said some of them used it because they were afraid to fight. Well, I said, if I was doing it, I would pardon a man who believed in war and who was afraid to fight, sooner than I would a man who was not afraid to fight but had some foolish notions about it. I think the fact that a man is afraid to fight is about the best reason he can give. It is a reason that appeals very strongly

to me. Of course a man cannot help being a coward, although physical courage is very common; it is moral courage that is rare. Most all men fight well, with guns and with their fists. A person who has the courage of his convictions, well, he is an idiot, and cannot be afraid.

Take a coward. What is the physical process? I said I am a mechanist. A man is a machine; he gets an impression of something in front of him; it sends an impression from the eye to the brain and from the brain to certain nerve centers and various organs of the body, secretions are emptied into the blood and nervous system and he acts mechanically. Take a cross section of a man's blood who is afraid and the man who is normal. They do not look alike. Take the cross section of a man's blood when he is in anger and when he is normal. They are not the same. Nobody does anything except from mechanical reasons. Being afraid to fight is simply a reaction; nothing else. Certain secretions from the spleen and other organs of the body are emptied into the blood in fear, which cause a reaction, so that a man cannot help running. It is out of the question to go forward; he has to go back. He is no more responsible for it than a manikin is for its actions; the manikin and the man move when the strings are pulled, and that is all there is to it.

The coward's case is better even than any of the rest; but take the conscientious objector. In the first place, they were conscientious. Assume they were conscientious. All of them were either conscientious or afraid to fight. Assume they are conscientious. They do what they think they ought to do, whether their notions are right or wrong; no man can act from a higher motive than to follow his conscience, such as it is. It is a vey poor guide to the truth, of course. About the poorest guide to truth there is, because conscience is made up of thousands of inherited traditions, that come from the Lord kows where; some of them from the apes and some of them from much less intelligent ancestors; but it is the best we have, and none can do better.

The man who conscientiously believed that we should not have been in the war and believed it was wrong to kill—there are people outside of the insane asylum who think that—the man who conscientiously believes that it is always wrong to kill and refuses to kill, is following the highest law that is given to man to obey. And, while the law might have been right, in my opinion it was right, that there was no reason for excepting conscientious objectors, still their action lacks the

material element of crime, which is moral turpitude. They are very likely braver than some one who went to war, because there are some people who went to war because they were afraid to face the contempt of their fellowmen.

Some people believe in conscription and some do not. I did not, at first. But, whether it is a voluntary system or a system of conscription, it is all conscription, anyway. England, out of five million soldiers, raised the first four million by volunteers. But, how did they volunteer? Some of them it is true, volunteered because they believed in it, because the picture of Belgium and France furnished an emotion which they could not control, and perhaps did not wish to control. Some of them volunteered out of a sense of duty; some out of conviction, but a very large number volunteered because life was intolerable if they did not. They were shunned by their neighbors and associates and their friends; they were refused jobs; they were ostracised by society; they were cut off from the world. That is conscription, although the name is volunteer.

When you meet any of these boys face to face and they tell you the truth, they will tell you what a horrible thing it is to take your life in your hands and fight. I have the greatest respect for those who did the fighting. I believe they did a job that had to be done, and that whether the world will be better for it or not, it would have been worse without it. I have feelings of respect and admiration for them and sorrow, too, but I know what the truth is. I know many thousands of them did not want to go. And the government, at least, believed that had they not used conscription, they could not have assembled an army in any such time as was needed to win the victory.

These questions ought to be discussed as facts and not as questions of sentiment. You cannot settle questions that way. Men act emotionally; but when the day of judgment comes, they should look at the facts as they are. It was my good fortune to go to France before this war was finished. On the lower decks were several thousand troops; not officers or shirkers, like the rest of us civilians on the upper deck, but common soldiers. I could hear no laughter there; no songs. They were calm and silent and wondering. Of course, when they got into camp, they did the best they could with life. I have seen them shaking dice while the cannons were booming around them. They got used to it. But the boys going to war, went to war with the most serious thoughts of what they

were leaving behind, and what they went to face. I remember one day one of these common soldiers suddenly rushed back to the end of the ship and jumped over into the ocean and of course was lost. This showed the dread he had. And there was a dread buttoned under the jackets of most of them. It was a hard job. Nobody has the right to speak of it lightly or to misinterpret the depth of the sacrifice or the reasons that moved the boys.

There is no need, after the war is over, for keeping a conscientious objector who thought he was doing right, or a man who was afraid to fight.

There are a lot of by-products of war; some of them good; some of them bad. Good and evil in this world come in mixed doses, and sometimes you cannot distinguish between the good and the evil. The thing that you thought was evil may work for good and the thing you thought was good may work for evil. Everything is mixed and involved. Every one is anxious to take advantage of what there is. A strong element of society, under the cry of a sort of super-patriotism is today doing all that can be done to crush out the liberties of the American people! They would leave it an offense to speak and to write and to print; under the guise of what they call patriotism, they would say institutions must not change, and yet this is a world of change. They would seize those whom they believe to be against them, send them to jail, because they are violating the powers that be. They would indiscriminately deport all aliens who express opinions they do not wish to hear. They would put to shame the founders who dedicated America to freedom and made of it the asylum for the poor and oppressed of every land.

Again I say, eternal vigilance is the price of liberty! Freedom cannot be maintained by constitutions. Bancroft, in his Constitutional History of the United States, wrote down long ago, that when the spirit of liberty had fled from the hearts of the people, real freedom was sacrificed under the forms of law!

The only way to keep liberty alive is to keep it alive in the hearts of the people; otherwise it must perish from the earth. The world has gone through a terrible ordeal. It is only to be expected that chaos and disorder, all kinds of conflicting theories and views would spring from it. It is a day of flux. Every man, every party, every seat and every ism, is trying to get the best out of a chaotic world.

In the midst of it all, those who can think, and those who dare think, above everything else that man can strive for, ought to keep alive the spirit of liberty and the enthusiasm for liberty! For it is only in the open discussion and the free expression of views, that there is a chance to find the truth. No man can speak his convictions, no man can write them, and no man can print them, with the fear of the jail in his heart! He must speak them freely and unafraid. Even if he speaks extravagantly and wildly and foolishly, he must be left to do it freely, or the world will lose his thought; and it will lose the thought of the greatest and bravest who have done the most for the civilization of the world!

I never was a superpatriot—whatever it means. For me, this country is the best. I was born here. I have lived here all my life. I know its peoples; was raised under its institutions; I know its opportunities are greater; its freedom has been better; for me, it is the best country in the world! But that does not make me close my eyes to the defects in this country! Neither does it make me close my eyes to the virtues of other countries! There is no nation so wise that it cannot learn from others. There is no individual so well educated that he cannot learn from the humblest if he will keep his eyes open and his mind free. But you cannot speak in the face of the prison, and you cannot write with chains around your wrists! And we had better give up every institution or system that we strive for, rather than give up liberty!

All that this country has had in the past; all that it has stood for; all that makes life worth while, came from freedom. And it will be a sad day, indeed, when the minds of the people shall be so deadened, and the blood of our people shall flow so sluggishly that they will forget the old traditions and safeguards that have made us great. It will be a sad day, when for gold or power or institutions or social systems, we will give up that freedom, without which human life is of no avail!

Dissenting Opinion of Judge Holmes of U. S. Supreme Court in case of Abrams et al vs. U. S.

"I do not doubt for a moment that by the same reasoning that would justify punishing persuasion to murder, the United States constitutionally may punish speech that produces or is intended to produce a clear and imminent danger that it will bring about forthwith certain substantive evils that the United States constitutionally may seek to prevent. The power undoubtedly is greater in time of war than in time of peace, because war opens dangers that do not exist at other times.

"But as against dangers peculiar to war, as against others, the principle of the right to free speech is always the same. It is only the present danger of immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned. Congress cannot forbid all efforts to change the mind of the country.

"Now, nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man would present any immediate danger that its opinions would hinder the success of the Government arms or have any appreciable tendency to do so.

"I do not see how any one can find the intent required by the statute in any of the defendants' words. * * * The only object of the paper is to help Russia and stop American intervention there against the popular Government—not to impede the United States in the war that it was carrying on.

"IN THIS CASE, SENTENCES OF TWENTY YEARS' IMPRISONMENT HAVE BEEN IMPOSED FOR THE PUBLISHING OF TWO LEAFLETS THAT I BELIEVE THE DEFENDANTS HAD AS MUCH RIGHT TO PUBLISH AS THE GOVERNMENT HAS TO PUBLISH THE CONSTITUTION OF THE UNITED STATES, NOW VAINLY INVOKED BY THEM.

"Even if I am technically wrong and enough can be squeezed from these poor and puny anonymities to turn the color of legal litimus paper, I will add, even if what I think the necessary intent were shown, the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer not for what the indictment alleges, but for the creed that they avow—a creed that I believe to be the creed of ignorance and immaturity, which, when honestly held, as I know no reason to doubt that it was held here, but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the court.

"Persecution for the expression of opinion seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart, you naturally express your wishes in law and sweep away all opposition. * * *

"Every year, if not every day, we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experi-

ment is part of our system, I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and beleve to be fraught with death UNLESS THEY SO IMMINENTLY THREATEN INTERFERENCE WITH THE LAWFUL AND PRESSING PURPOSES OF THE LAW THAT AN IMMEDIATE CHECK IS REQUIRED TO SAVE THE COUNTRY.

"I wholly disagree with the arguments of the Government that the first amendment to the Constitution left the common law as to seditious libel in force. History seems to me against the notion.

"Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command: 'Congress shall make no law abridging the freedom of speech'."

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Voltaire

A Lecture

Clarence S. Darrow

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WANTED—A VOLTAIRE

By E. HALDEMAN-JULIUS

America needs a Voltaire. It needs more than anything else the simple message to be cried out that is expressed in the single simple word: TOLERATION. And that single simple word, TOLERATION, should be a constant, strong, white light to pour a flood of illumination over the complex, wretched tangle of slogans, rituals, platforms and prejudices that confuse and completely overwhelm the American mind. The awful burden of formulas, of little narrow catch-phrases and catch-principles, is oppressing us to the death of all honest thought and cluttering the paths to knowledge with the unburied swollen corpses, the grotesquely animated skeletons (how sinister in their unnatural, lifeless but powerful, activity!) and the tireless dark flitting ghosts of the world's intellectual past.

We are living in a vast graveyard. Tombstones cast their blighting shadow over all our activities. We wear the ghastly hue of corpses and our step is the ghost-like, sleep-like tread of those who wander aimlessly in the midst of scenes that are mechanical and meaningless. We cannot see. We cannot breathe. We must get out of this graveyard! Out where there is air! Where there is light! Where there is brave, joyous, significant motion, and not the pale flash of the jerking limbs of skeletons!

Out into the broad highway, under the sky and sun—the road to Truth that is marked with the signposts of Toleration.

Truth—Toleration—the two are one. There can be no glimpse of Truth without Toleration for a guide. And Toleration leads inevitably to the only Truth we can know.

VOLTAIRE

Voltaire was born in Paris in 1694. At that time, Louis XIV was on the throne in France. Through long years of profligacy and dissipation the lords and rulers of France had reduced the country to poverty and the people to slavery and superstition. France was nothing but the king and the favorites of the court. Noblemen, priests and women of easy virtue were the rulers, and people lived only to furnish them amusement and dissipation. Everyone believed in miracles, witchcraft and revealed religion. They not only believed in old miracles but in new ones. A person may be intellectual and believe in miracles, but the miracles must be very old.

Doctors plied their trade through sorcery and sacred charms. Lawyers helped keep the poor in subjection; the criminal code was long, cruel and deadly. The priest, the doctor and the lawyer lived for the rich and helped make slaves of the poor. Doctors still believe in sorcery, but they administer their faith cures through a bottle instead of vulgar witchcraft. Lawyers still keep the poor in their place by jails and barbarous laws, but the criminal code is shorter and less severe.

When Voltaire was born there was really but one church which, of course, was ignorant, tyrannical and barbarous in the extreme. All creeds are alike, and whenever there is but one, and the rulers honestly believe in that one,

they are bound to be ignorant, barbarous and cruel. All sorts of heresies were punishable by death. If any one dared to write a pamphlet or book that questioned any part of the accepted faith, the book was at once consigned to flames and the author was lucky if he did not meet the same fate. Religion was not maintained by the precepts of the priest, but by the prison, the torture chamber and the fagot. Everyone believed; no one questioned. The religious creeds, while strict and barbarous, did not interfere with the personal conduct of any of the rulers. They were left free to act as they pleased, so long as they professed to believe in the prevailing faith.

France was on the verge of bankruptcy. Her possessions were dwindling away. There was glitter and show and extravagance on the outside; poverty, degredation and ignorance beneath. It was in this state and at that time that Voltaire was born. He was a puny child, whom no one thought would live. The priest was called in immediately that he might be baptized so his soul would be saved.

Voltaire's father was a notary of mediocre talents and some property, but his name would have been lost, excepting for his brilliant son. His mother was his mother, and that was all. In his writings, the most voluminous ever left by any author, he scarcely mentions his mother a half dozen times. He had a brother and sister whose names have only been rescued from oblivion by the lustre of Voltaire. No one can find in any of his ancestors or kin, any justification for the genius of Voltaire.

Had the modern professors of eugenics had power in France in 1694, they probably would not have permitted such a child to have been born. Their scientific knowledge would have shown conclusively that no person of value could have come from the union of his father and mother. In those days, nature had not been instructed by the professors of eugenics and so Voltaire was born.

In a few days, his parents and nurse grew tired of waiting for him to die, and while he was yet a child, his education was left in charge of a priest named Chateauneuf. His teacher drew a salary as a priest, but was irreligious, profligate, clever and skeptical in the extreme. He was kind-hearted and good-natured and fond of his pupil, who was also his god-son, and did his best to keep the young mind free from the superstition of the age.

Before he was ten years old, it was plain that the young Voltaire had a clever mind. At that age he was sent to a boys' school in France. His body was lean and thin and his mind was keen and active, and neither his body nor his mind changed these characteristics to the day of his death. At the school he says he learned "Latin and nonsense," and nothing else. In two hundred years, the schools are still teaching Latin and nonsense. The course of Latin is the same, but the kinds of nonsense have somewhat changed. At the school he was not like the other boys. He did not care for games or sports. While the other children were busy with youthful games he was talking with the fathers, who were the teachers in the school.

In vain they tried to make the boy join the rest in play. He turned his eyes to his professors and said, "Everyone must jump after his own fashion." One of the professors, who was close to him, remarked, "That boy wants to weigh the great questions of the day in his little scales."

While a boy at school he began to write verses, not, of course, the easy, fluent, witty poetry of his later years, but still verses of such promise and originality as to attract the attention of his teachers. The one father who disliked him at school, in answering a brilliant retort of the child, said, "Witch, you will one day be the standard bearer of Deism in France."

On his return from school, about fifteen, his father decided to make him an advocate. He picked out the profession for his son, as most fathers do, because it was his own; but Voltaire's early efforts at poetry had given him the ambition to write and he insisted that he should not follow his father's footsteps, but devote his life to literature. This his father would not consent to. "Literature," said the parent, "is the profession of the man who wishes to be useless to society, a burden to his relatives, and to die of hunger." But even Voltaire's father could not make a lawyer out of a genius. To be a good lawyer, one must have a mind and a disposition to venerate the past, a respect for precedents; believe in the wisdom and sanctity of the dead. Voltaire had genius, imagination, feeling, and poetry, and these gifts always have been, and always will be incompatible with the practice of law. While he was studying law, he

was writing verses; verses that were wicked, sacrilegious, and sometimes malicious. He was also making up for the play he missed in youth and was having a gay time with his friends. On account of some boyish scrape, he was sent by his father to Caen and, although in a way under restraint, at once captured the society and intellect of the town. His father seeing something of the boy's brilliancy, sent him word that if he would come back home he would buy him a good post in the government. "Tell my father," was the answer, "I do not want any place that can be bought. I will make one for myself that will cost nothing." Later in his life, in writing the story of the great dramatist Moliere, he said, "All who have made a name for themselves in the fine arts, have done so in spite of their relations. Nature has always been much stronger with them than education." and again, "I saw early that one can neither resist one's ruling passion nor fight one's destiny."

Voltaire is only one illustration of the wisdom of these remarks. The usual is always mediocre. When nature takes it into her head to make a man, she fits him with her own equipment and educates him in her own school.

His father got him a post in Holland, where he wrote more verses, and fell in love, or at least thought he did, which comes to the same thing. He was forbidden to see his mistress. After various difficulties in meeting, she wisely concluded that the chances were so uncertain, she had better take someone else. Naturally this serious matter made a deep impression on

a boy. He concluded there was nothing to live for and turned more deliberately to literature for consolation. He went seriously to work and never stopped until he died at eighty-four. Had he been able to marry the girl, then—but what's the use in speculating upon that?

Louis XIV died in 1715. His reign was splendid, corrupt and profligate. The people were hungry and turbulent; the notables tyrannical and insolent. The last few years the king was the absolute monarch of France, and he was ruled by a woman and a priest. The news of his death was received with joy by the multitude. Young Voltaire was at the funeral. This funeral resembled a fete more than a day of mourning.

Voltaire by this time was known for his epigrams, his rhymes and his audacity. The salons of Paris were at once opened to him. Whatever else he was during his life, he was never dull, and the world forgives almost anything but stupidity. Commencing early in his life, most of the epigrams and brilliant satires in France were charged to Voltaire. On account of a particularly odious epigram, he was exiled to Sully. His keepers found him a most agreeable guest, and he was at once a favorite in the society of the place. "It would be delightful to stay at Sully," he wrote, "if I were only allowed to go away from it." He spent his time hunting, flirting and writing verses. In his verses and his epigrams he could flatter when he thought flattery would accomplish his end, and by this means his exile was brought to a

close and he returned to Paris after an absence of about a year.

No sooner was he back, than a violent attack on the government appeared. This was at once charged to Voltaire, who had in fact not written it. During this time he had been writing his first play, which had been accepted and was then on rehearsal at the theater, but on account of the anonymous verses, which he did not write, he was sent to the Bastile. A few days after he was placed in prison he signed a receipt for "two volumes of Homer, two Indian kerchiefs, a little cap, two cravats, a night cap and a bottle of essence of cloves."

It was some time before he was given a pen and ink, which all his life he needed more than anything else; but without these, he began to compose a new play. He was able to carry in his mind whole cantos of the play and, as Frederick the Great said, "His prison became his Parnassus." Voltaire was not the first or last man to convert a prison into a hall of fame. A prison is confining to the body, but whether it affects the mind, depends entirely upon the mind.

It was while in prison that he changed his name from the one his father gave him—Arouet—to the one he has made famous throughout all time—Voltaire. He said, "I was very unlucky under my first name. I want to see if this one will succeed any better."

His verses soon won him the clemency of the regent, who wrote him, "Be prudent and I will provide for you." Voltaire answered, "I shall be delighted if your highness will give me my

board but beg that you will take no further trouble about my lodging." In a year he was released, but whether in prison or surrounded by the gayest court in Europe, he was always forging his keen, witty, malicious darts against the enemies of truth and liberty.

When Voltaire was twenty-four, his first play "Œdipe," was produced in Paris. His verses and epigrams had already made him famous throughout the capital and a packed house made up of the intellectual and important people of Paris greeted the play with wild enthusiasm. It ran for forty-five nights, and at once made Voltaire famous as a playwright; which fame was with him to the end. This play, together with his earlier works, got him a pension, but the pension did not succeed in keeping his mouth closed, as is generally the case. Pensions are the favors of the powerful, and dangerous to any great intellect. It is only here and there down throughout the ages that a Voltaire is born who does not fall a victim to their blandishments. Not only pensions, but what the world calls good society, was always open to Voltaire. He needed but to obey the mandates of the rulers to live as the pampered child of luxury and ease, but this Voltaire always refused to do. He went his way writing his plays, making his epigrams, reading his verses, witty, audacious and heterodox, dodging officers and jails, doing his own work, flattering those whom he despised, managed to keep out of jail most of the time, and died at the old age of eighty-four.

Much of his work he did while confined to

his bed. He was always an invalid, always obliged to take great care of himself, living constantly with death just before him, never idle a moment for fear his work would not be done. Probably no man ever lived who assailed the Church and the State with the same wit and keenness that was always at Voltaire's command; and yet in spite of this he managed to live comfortably, accumulate riches and die in peace.

Voltaire with all his other talents was a business man. For this he has been criticised by biographers and enemies. While he was ever generous to his friends and ready to give his time and money for an unpopular cause, he constantly haggled and dickered over business matters and seldom got the worst of any trade. No iconoclast can possibly escape the severest criticism. If he is poor he is against existing things because he cannot succeed. If he is rich, he is not faithful to his ideals. The world always demands of a prophet a double standard. He must live a life consistent with his dreams, and at the same time must obey the conventions of the world. He cannot be judged either by one or the other, but must be judged by both. In trying to live up to both standards, one invariably misses both. It is hard to be true to the two, especially when the standards of the new and the old are in conflict. The ravens should feed the iconoclasts, but they don't.

Voltaire loved the good things of life. He loved society; he loved the witty and intelligent; he loved fame; and he was singularly vain. He loved the society of the courts of

Europe. He spent many days at the magnificent courts of France, adapting himself the best he could, but at the same time seeing through its shams, despising its vanities, its cruelties and its injustice to the poor; but he must do his work, and to do his work in France two hundred years ago, he must have the patronage of princes, of priests, of kings and influential courtesans.

Writing from the court of Louis XV, he says, "It is a dreadful bore to be here, but it is very advantageous—the cage is so exquisitely gilded that one must try not to see the bars through the gold." For another of his brilliant sayings he was thrown into the Bastile for a short time in 1726. He was pardoned on the condition that he go to England. No sooner had he reached that island than he was at once received by the poets, philosophers and statesmen of England. Swift, Pope, Young, Gray and Walpole were then shedding their lustre on the British isle. Newton was dying and Locke, though dead, had just begun to speak.

Voltaire at once threw himself into the life of England. Here he found a land where one could write and speak and publish his honest thoughts. Here he felt that he had reached the "promised land." He was everywhere received by the intellectual spirits of England, and within six months he was master of the English tongue, and all the rest of his life could read and speak that language almost as fluently as if native born. Here he met the Quakers, studied their religion, and was captivated by their simplicity and their tolerance.

"What! you have no priests?" said Voltaire to the Quaker. "No, friend," he replied, "and we get along very well without them."

Voltaire was an admirer of the English and their land. He found "greatness without insolence and without Bastiles." "It has taken seas of blood to drown the idol of despotism, but the English do not think they bought their laws too dearly." When he was an old man he said he once lived in a land "where a professor of mathematics, only because he was great in his vocation, had been buried like a king who had done good to his subjects." He spoke of Locke as the "wisest of human beings." "The catechism reveals God to children, but Newton has revealed him to sages." "Locke dared sometimes to speak positively, but he also dared to doubt." "I love people who say what they think. We only half live if we dare only half think." "What would you have done had you been born in Spain?" asked Voltaire's secretary. "I would have gone to mass every day, kissed the monk's robes and set fire to their convents."

Voltaire's residence in England made a great impression on his future life. He seemed to dedicate himself anew to the great cause of human liberty. He felt that it was for him to destroy oppression, superstition and tyranny. He never ceased to fight for the cause as long as life remained.

After three years in England, Voltaire managed to get permission to return to Paris. He set to work to write another play and to organize a company to act it. During all his

life he was passionately fond of the stage, writing plays on every subject, ancient and modern, plays which always held keen thrusts against the injustice of the world. He was busy organizing companies to produce his plays, constantly associated with actors; in his later years he built a theatre of his own at Ferney and frequently took part on the stage in his own plays. In those days the business of an actor was more despised than it is to-day. Actors were servants of the rich, men and women who contributed to their pleasure for the purpose of satisfying their idle hours. Everybody went to the theatre, but no one had any regard for those who performed a part. While the king might sit in a box, the dead player could not be buried in consecrated ground.

Soon after his return to Paris, Adrienne Lecouvreur died at the age of thirty-eight. She was the greatest actress of her time and her death made a profound impression upon Voltaire. He had known her in her younger years; had been her friend and admirer up to the time of her death. She was a woman of genius and intellect. She was taken with a fatal illness while playing one of Voltaire's plays. Voltaire hastened to her bedside. She died in his arms, in agony for which the doctors of that day could furnish no relief. Her fame and her fate made a profound impression in Paris at the time.

In her death she could have neither priest nor absolution; was denied Christian burial; taken out of the city at night and "thrown in

the kennel" like a dog. It was said of this brilliant woman that "she had all the virtues but virtue." Whatever she was, her life had been no worse than the paramours, friends and mistresses of the kings and nobles over whose graves priests had pronounced eulogies and benedictions, and who had been laid in consecrated ground; but her intellect, her genius, and her heart were far above all these. For a time Voltaire forgot to be a cynic, but was touched to the soul by the injustice of the French law, French society and French religion. He had been, he said, "her admirer, her friend, and her lover." "Shall I ever cease to see," he wrote, "the light-minded Frenchman sleeping under the rule of superstition?" Is it only in England that mortals dare to think? Men deprived of burial here to whom Greece would have raised altars! In London she would have a tomb among geniuses, kings and heroes. Ye gods, why is my country no longer the fatherland of glory and talent?"

During the rest of his life he worked tirelessly to improve the condition of the actors of his day. Even as an old man he could never forget the injustice done to this great woman. "Actors are paid by the king," he said, "and excommunicated by the church. They are commanded by the king to play every evening and by the church forbidden to do so at all. If they do not play, they are put in prison. If they do, they are spurned into a kennel. We delight to live with them and object to be buried with them. We admit them to our tables and exclude them from our cemeteries."

Even in old age, singularly enough, his greatest dread was that he might be thrown into the gutter after his death.

There was no field of literature that was not open to Voltaire. A poet, an essayist, a writer of plays, a historian, a novelist, a scientist, a philosopher. He tried them all and excelled in all. His histories were as brilliant as his plays. He understood, as well as any man who every lived, the difficulty that besets the author who would write history. "Whoso writes a history of his own times," he says, "must be expected to be blamed for everything he has said and everything he has not said."

His *English Letters* had been prepared in England and after his return to France. These, he knew, were too dangerous to be published in Paris. He was saving them until it might be safe. Somehow they were stolen and appeared in 1734. These letters contained studies of the great English philosophers and comments on life, which were modern then and are still modern. The truth is always modern and there never comes a time when it is safe to give it voice.

The publisher of his *English Letters* was thrown into the Bastile, the book was denounced and publicly burned in Paris by the hangman as "scandalously contrary to religion, morals and society," but still Paris was not so old-fashioned. Men are constantly thrown into prison today in America for publications which are "scandalous" and "contrary to morals and authority"—publications which tell

the truth, and which are condemned simply because they tell the truth. Voltaire's house was searched, but he got the news in time and once more fled to save his liberty and his life.

There is no parallel in history for this great genius. Born in Paris, placed in the Bastile for audacious writing at eighteen, driven to Holland, to England, Prussia and the far off provinces of France. All his life he loved Paris, and although he died at an advanced age, probably five or six years would cover all the time that he lived in Paris during his mature life.

Voltaire could not keep out of trouble. Almost every person of importance was his enemy at some period of his life, but he was not a nonresistant. He never turned the other cheek. When he was attacked, he replied with pamphlets and epigrams more poisonous than those any other author ever penned. Whenever he was at peace, he was uneasy to be at war. If his critics and traducers let him alone for a time, he was busy writing some pamphlet, poem or play to get himself into trouble once more. He seldom signed his own name to the production of his pen. More than one hundred names were used by Voltaire in the course of his long literary career, but whatever the name and whether written by him or not, if especially bitter, mocking, rebellious or ungodly, it was always laid to Voltaire; and whatever the utterance that made the trouble, whether it was his or not, Voltaire was ready to deny that he was the author.

Most of his pamphlets and many of his more

pretentious works he promptly denied. He did not write the pamphlet or the poem. He did not write the essay on Natural Rights. He did not write the attack on priest or king. He did not write the Philosophical Dictionary. He had nothing to do with the Encyclopedia. He wrote only words of flattery for the king and nicely turned stanzas for the women of the court. He sometimes condemned his own books and was present in the crowd to see them burned, but no doubt most men would have preferred to deny the pamphlets than to have been burned with them. It is idle to speculate whether a man should or should not have done this or that. No doubt some men would have been burned with the first pamphlet that they wrote, but not Voltaire. He preferred to live to an old age and dodge and flee and deny and lie and still pour forth upon the world the greatest mass of rebellious literature that ever came from the pen of man.

Voltaire fled from Paris when the *English Letters* were published. He fled to a distant part of France. From there he went to live on an old estate with Madame du Chatelet and her husband. The husband was an army officer and seldom at home, and of very little consequence when he was. Madame du Chatelet was one of the most remarkable women of her age, or any other. Brilliant and learned, she loved pleasure and she loved work. No book was too deep for her understanding. She was a mathematician, an astronomer, a philosopher and a woman. Voltaire was forty

years of age when he fled from Paris to the estate of Madame du Chatelet and his life and fortunes were bound up with her for sixteen years. The estate was old and dilapidated and in a barren and dreary part of France, but with his industry and his money, he made it a place of beauty sought by the greatest people of Europe.

Madame du Chatelet was not a housekeeper. She never swept the floor or dusted books or knew how to cook a meal or to see that anyone else did it. She was intellectual, and no woman ought to expect to be intellectual and a housekeeper too. She was difficult, irascible, and voluble. Voltaire was impressionable, sensitive, quick tempered. They kept each other very much entertained. Sometimes they loved, often they fought, but still they seemed to find each other necessary for their work. Together they studied astronomy, mathematics, philosophy, history and religion. Together they visited nobles, princes and courts, perhaps "the most brilliant pair in France" of that day. No doubt after some years, the tie between them grew galling to Voltaire, and perhaps to Madame du Chatelet, but it had grown to be a habit. Had they been married, they would probably have gotten a divorce; but as they were not married, they could not be divorced and stayed together.

Voltaire was particularly blessed by two women, Madame du Chatelet, at whose estate he lived for sixteen years, and Madame Denis, his niece, who kept his house near Geneva for more than twenty-five years. Neither of

them gave him a moment's peace, and forced him to flee to his study for consolation and rest. If either of these women had made his life comfortable his great work would probably never have been done.

There are two things that kill a genius—a fatal disease and contentment. When a man is contented he goes to sleep. Voltaire had no chance to be contented, and so he wrote eternally and unceasingly, more than any other man in the history of the world. Toward the end, the relations of these two grew galling in the extreme, until finally Madame du Chatelet transferred her affections to a young army officer who lived in the house, a protege and friend of Voltaire. Soon after she died and Voltaire was without a home.

While Voltaire was living with Madame du Chatelet in the far province, he was always yearning for Paris. Scheming, conniving, urging his friends to get him the right to return. "I will declare that all priests are disinterested; that the Jesuits are honest; that the inquisition is the triumph of humanity and tolerance. In fact I will say anything they like if they will but leave me in peace."

During this time there was growing up that deep and weird friendship with Frederick the Great. Frederick was then a prince, but would one day be king of Prussia. He was skeptical, tolerant and filled with humane thoughts. He hated war, he loved learning, he appreciated Voltaire and, with his keen insight, set him down as the greatest man in Europe. The letters between the two were voluminous and

continued through all sorts of difficulties and quarrels to the time of his death. Frederick addressed him as "dearest friend," "charming, divine, Voltaire," "sublime spirit," "first of thinking beings." To Voltaire Frederick was "Marcus Aurelius," "the star of the North," "not a king among kings, but a king among men." Frederick replied that his "whole creed was one God and one Voltaire." For a long time they worshiped each other at a distance, which is always a safe way to worship. Frederick constantly urged Voltaire to come to his court, but Madame du Chatelet was in the way. She was extremely jealous. For a long time she kept him from making the journey. Frederick urged him to come, so he arranged to take Madame du Chatelet with him. Frederick replied that he could bring her if he wished, but he preferred to have him come alone. Finally, with great reluctance, Madame du Chatelet granted him a leave of absence and he made the journey.

The king and Voltaire were fascinated with each other for a time. Voltaire corrected Frederick's verses, helped him about his French, entertained him and his brilliant company, swapped compliments with him, and was the life of his court; but all geniuses are difficult, especially when more than one is present at the same time. Genius cannot be confined to narrow limits or to fixed conventions even though they are the limits and conventions of another genius. Their friendship grew strained and Voltaire went away, went back to Madame du Chatelet; but still

they continued to write. With the long distance between them, Voltaire was the greatest man that ever lived and Frederick the greatest prince on earth. Both Frederick and Voltaire hated war. Both of them believed that there was something better for men than to kill each other. Voltaire looked for great things from Frederick when he should become king.

About the first act of his reign was to declare war. Somehow the king business looked different to him when he was the king. Voltaire could not understand it. He was shocked and grieved and wrote and pleaded with Frederick to abandon war and follow his instincts for peace; to build up a great kingdom dedicated to liberty, to humanity, to justice for all.

Voltaire made no concealment of his disappointment with Frederick's acts and his changed views, but still they were friends. Through many years they wrote constantly to each other, letters on philosophy, literature, religion, life, morals and war; but still Voltaire stayed on at Madame du Chatelet's estate.

When Voltaire was fifty years old, Cardinal Fleury died. He was a member of the French Academy and Voltaire wanted his place. What the membership could do for Voltaire, is hard to understand, but no one likes bubbles and trinkets and decorations as do the great. Voltaire set himself to work to get this place. Madame du Chatelet helped. He must have the king and to get the king he must have his favorite mistress, who at that time was Madame du Pompadour, but neither could do anything without the pope. So Voltaire set to

work, first, on Madame du Pompadour. He wrote her verses. One of the poems begins:

"Every grace and charm and art,
Pompadour, in you is found."

Of course she "fell for it." She got the king on his side. Then he started for the pope. Voltaire never did anything half way. If he wanted a thing he went after it. He was always afraid of doing too little, but never afraid he was doing too much.

He had already written his play "Mahomet". This of course had been pronounced sacrilegious and profane and had been consigned to the flames. Still he thought the pope did not fully understand the play. He wrote long letters to people in society to prove what a good Christian and church man he was, but he did not succeed in deceiving any one. The Academy could not accept him as a successor to a cardinal, but England elected him a member of the Royal Society. Germany placed him in her Hall of Fame. Everybody recognized him but France. Still he was not satisfied. Then he started a still bolder campaign to mollify the pope. He read all his works, complimented him highly and thereupon the pope called him his "dear son" and sent Voltaire his "blessing". Then he wrote the pope asking permission to dedicate to him his play "Mahomet," and although it had been burned as sacrilegious, the pope consented. The pope doubtless thought it would be better to have Voltaire his friend than his enemy, so he sent Voltaire his "apostolic benediction" and accepted the dedication

of "your admirable tragedy". Voltaire replied that he "laid the work against the founder of a false religion, at the feet of the chief of the true religion". He flattered the cardinals and went into ecstasy over the pope's virtues.

With Madame Pompadour, the king and the pope at his back, he could not fail. Another vacancy occurred a few years later and Voltaire, at the age of fifty-two, was admitted to the French Academy, long after he had been admitted to almost every other great society in Europe.

It was the custom of the new members to read a paper, so Voltaire read one to the Academy. At once he became Voltaire. The paper was witty, audacious and sacrilegious. It offended all the august personages who heard and read it. They regretted that he was a member of the Academy, but it was too late. They should have known before that such a leopard could not change its spots. Again he was chased from the court. Again he went to Madame du Chatelet.

When Madame du Chatelet was really dead, Voltaire was overwhelmed with grief. During all their years together, Voltaire had held her in unbounded admiration. Thirteen years before her death, he had given her his portrait engraved with these lines:

"Bavier 'graved this likeness for you,
Recognize it and his art.
As for me, a greater master
Has engraved you on my heart."

The death of Madame du Chatelet sent him adrift in the world.

He had enemies and spiteful critics throughout France. "To sit high is to be lied about."

Frederick the Great saw his opportunity. He still loved Voltaire. He loved him with an affection that although often rent and clouded by doubts and discord, remained with him to his death. He besought Voltaire to come to Berlin. He offered him honors and a pension, decorations and the society of the wise and great. Voltaire, with no one to deny him, could not resist and went. He reached Berlin in the midst of a great public fete. The populace forgot the king and worshiped Voltaire. The king took him to his palace at Potsdam, fitted him a suite of rooms in royal state and made him his constant companion. All of the king's literary productions he turned over to Voltaire for correction and revision, and after they left Voltaire's hands, they did honor to any prince. But it is not wise for even the closest affinities to be kept constantly together, especially if these affinities are brilliant.

Again a coldness arose between Voltaire and Frederick. In the meantime Voltaire entered into a business speculation which resulted in a law suit, bringing scandal on the court. The breach between them widened until they could no longer stay together. After about three years, Voltaire precipitately fled from Berlin. He fled because he feared arrest. He made his way with all haste to the German frontier, but before he crossed the line, the agents of the king placed him under arrest. He was detained

several days, mainly to get from him the manuscript which Frederick had written while a prince and which severely attacked the Christian religion. It was all right while he was a prince, but would not do after he became a king. Still the world is not so much changed and even Mark Twain in his later days wrote a vigorous attack on Christianity, which he printed for private circulation alone.

Voltaire was soon permitted to go on his way, but he felt humiliated and outraged by the man who had been his friend. Voltaire never saw Frederick the Great after his flight, but they still had the old yearning for each other. Letters were exchanged almost as frequently as before and Frederick the Great paid him one of the noblest tributes at his death. The three years he lived at Berlin produced less than any other part of Voltaire's active years. Too much gayety, too much society, too much admiration, too many quarrels. The genius was for a time reduced to the man. Voltaire himself felt that he had practically wasted the years. He appreciated its tragedy and likewise its comedy. He could laugh at either tragedy or comedy. All his life he could joke and with him there was no subject too serious for a comedy. Voltaire said, "It is because one can be frivolous that the majority of people do not hang themselves." He has often been criticised because he could joke. The ordinary mind cannot understand that a serious purpose and a sense of humor can go together. It is only the sense of humor that can keep a man alive for the serious purpose. The world has never been able to distinguish

between stupidity and seriousness. If the stupidly serious really had any humor, they would die from laughing at themselves.

Voltaire spent a short time traveling through various parts of France, fearing to go back to Paris, and then turned to Geneva. Geneva was then an independent state, afterward annexed to France and later to Switzerland. His flight from Prussia and refuge in Geneva marked a new era in his life. He was sixty years old when he reached this little state. He had been sobered by age and experience. He had learned much of the follies and frivolities of the world. He knew that after all, his was a serious life and his work the greatest ever undertaken by man in any age. He seemed to take new vows to the service of the great cause which was really the greatest of his life, the cause of liberty. From that time on, he was tireless, unremitting, and brilliant in that cause. Wherever he found superstition, unjustice, tyranny, and cruelty, Voltaire placed himself in the arena ready for the fray. Whether his work was history, poetry, drama, novels or pamphlets, it was the same. Probably all his works will never be brought together. His pamphlets were numberless and these pamphlets, more than his more pretentious works influenced France and his age, and through them destroyed old institutions and customs and barbarities and prepared the world for the toleration and liberty that will some day come.

When Voltaire went to Geneva, that state was still held in the mental paralysis of the doctrines of John Calvin. It was two hundred

years since Calvin had piously burned Michael Servitus for the crime of thinking in place of believing. While Calvin had been dead almost as long, the spell of his genius and fanaticism still held the land. Geneva was obsessed by a strange idea—an idea as common now as then—a belief that in spite of civilization, science, philosophy and experience, will not die: the doctrine that men can be changed and made perfect by human laws. The Geneva laws fixed the time at which people should go to bed and get up in the morning, and of course both hours were early; fixed the kind of drink and food and the amount and quality that was proper for a man to take. It regulated the religious creeds and social customs. No matter what one wished to do, he could find out whether it was right or wrong by consulting the statutes of Geneva.

The same obsession rules the human race today. We have changed the diet, the religious, and moral code, the social code, the social customs, but not the fundamental idea that the state should tell us what to do and especially what not to do, and that to disobey is to be a criminal, punished, outlawed, and reviled. Today when the statutes are not sufficiently severe to satisfy the mob, "Mother Grundy" takes up the work and reviles and persecutes and maligns with all the brutality, insolence, cruelty, and ferocity that marked the inquisitors of the ancient world. Of course, theatres and play acting were wrong in Geneva when Voltaire fled from the court of Frederick the Great, but there were two things that Voltaire always de-

termined to do. He was bound to fight hypocrisies and shams and the cruelties of the world, and he was bound to live.

He soon purchased two estates about three miles from Geneva, in the territory of France. He was near enough to Geneva so he could build a theatre of his own and the people could come across the border to see his plays and the barbarous laws of Calvin could not forbid. He was near enough to the French border so he could flee to Switzerland or Geneva whenever the king of France should determine to send him to the Bastile. The estate where he spent the greater portion of his remaining life, he called Ferney, almost on the shores of the beautiful Lake Geneva, with Mont Blanc and the other Alpine peaks in full view, the clear sky and the snow capped mountains almost above him, and the green fields of France and Switzerland around him—an ideal spot in which to live and work and dream. It was not for its beauty that he chose this spot. The love of natural beauty never entered the soul of Voltaire. He knew or cared little for art and nothing for nature. Had he lived today, the spacious, elaborate steam-heated flat would have been his idea of a home. Voltaire traveled all over Europe, but never halted to see a beautiful picture, classical statue, grand cathedral, or any scene of great natural beauty or sublimity.

These estates were old and dilapidated and Voltaire set to work to improve them. He commenced cultivating the soil, planting trees, building a house. He hired gardeners, farmers and servants without end. He seemed to know

how to turn his mind to agriculture, as well as to writing plays and pamphlets. Like most other philosophers, poets and dreamers, he at least said that he thought agriculture was the one thing worth while. Probably like others, he did not mean it. "I have only done one sensible thing in my life," said Voltaire, "to cultivate the ground. He who tills a field, renders a better service to mankind than all the scribblers in Europe."

"You have done a great work for posterity," said a friend one day. "Yes, Madame, I have planted four thousand feet of trees in my park." While many literary men have been farmers, very few of them have made it pay, but Voltaire made it pay. Had he been more religious and less versatile, he could have been the Pierpont Morgan of his age.

Later at Ferney he developed other industries. He imported the silk worm and manufactured silk. He had a large watch factory and the town became a prosperous industrial place. The colony was well paid and satisfied. Workmen sought jobs from all parts of the land, as refugees fled to him for shelter. But still neither farming nor manufacturing was his real work. His pen was never idle.

For years he had been working on a dramatic poem, "Pucelle." It had been read in all the societies of Europe, but never published. It was wicked and ungodly. Women read it in the boudoirs, but not in the parlors. Men kept the copy out of their library, but had it in their private collection. The book was an open secret throughout Europe. Voltaire had always used

every means to keep it from the publisher, but his manuscripts were constantly disappearing. His friends and private secretaries were stealing them and selling them. Most authors have hard work to find publishers. Voltaire had hard work to keep publishers from printing his books. One day a publisher called on Voltaire and offered to sell him a copy of his own book, "Pucelle." He at once said he did not write it; that it must have been the work of some person who had neither poetic art, good sense, or good morals. He denounced the publisher to the Geneva authorities; but it had escaped the printer in Paris, where everyone was reading it. The authorities burned it and a Parisian publisher was sentenced to nine years at the galleys for printing an edition. Geneva pretended to believe Voltaire's statement that he was not its author and Geneva burned it too. At the same time, Paris was going mad over his other plays, which were attracting crowds at the theatres. The work was everywhere received with applause, but the author was condemned to exile.

On November 1, 1755, Lisbon was destroyed by an earthquake. The news reached Voltaire and stirred him to the soul. Thirty thousand people were destroyed almost in the twinkling of an eye. The earthquake was on All Saints' day and the greatest loss of life was in the cathedrals and churches of the place. For months, all his letters contained allusions to this catastrophe, which took possession of his mind. "The best of all possible worlds! If Pope had been there, would he have said, 'Whatever

is is right?' 'All is well,' seems to me absurd, when evil is on land and sea."

Voltaire wrote a searching poem on the problems of life, entitled "The Disaster of Lisbon." At the same time was published his poem on "Natural Law" covering the eternal questions as to the meaning, plan, scheme, and end of all. Voltaire answered these questions as all other thinkers have ever answered them, that upon these subjects man has no guide and no light. But the churches and the authorities read, or at least heard of these two poems. They were promptly burned in Paris and pious Genevans held up their hands in horror at the theology, or rather lack of theology which they taught. But the Lisbon earthquake shocked the world. Even the king of France had serious thoughts, so serious that he caused the private entrance to Madame Pompadour's apartments to be closed and made her a maid of honor to the queen.

About this time, an unfortunate lunatic named Damins made a weak attempt on the life of Louis XV. The orthodox in church and state said that plainly the act was inspired by the New Thought of that day. It was perfectly easy to trace the act of a crazy man to the writings of Voltaire, which the man had never read. True, when the man was captured, he had in his hand a copy of the New Testament. Voltaire was delighted when he got this news. "A testament? I told you so. All assassins have a Bible with their daggers, but have you ever heard of one who had a Cicero, a Plato, or a Virgil?"

The assault on the king threw politicians and statesmen into panic all over Europe and at once they began to make the penal code more barbarous, the prohibitory laws stricter, and the censorship of the press more complete. There was but one way to deal with the act of a crazy man and that was to persecute and torture thousands of innocent ones.

This was two hundred years ago, but every penal code in the United States has been made more savage and barbarous and the people, if possible, more brutal and unreasoning, because an insane man killed the president of the United States. How the world does change!

During many years Ferney was a Mecca for the great and the learned of the world. Voltaire kept open house. He was bound to be active no matter what he thought or tried to do. He knew that constant activity was the only answer to the meaning of "life." As Voltaire put it, "Tranquillity is a beautiful thing, but boredom is of its acquaintance and family."

In his house in Ferney, he installed his niece, Madame Denis, or rather she installed herself. She was uncouth, talkative, and fond of pleasure. She loved to consort with the great, but bored everyone she met. She took possession of his house and life. Much of his company was due to her. Many of his activities were for her amusement and to keep her still; but she at least kept him busy and made him work. A constant stream of visitors poured into Ferney through all these years. He had some sixty servants, besides the other employes of the place, but these were kept busy looking after

travelers and friends. No one was denied admission, whether rich or poor, whether priest or pagan. All were housed and fed. When the hotels were closed at Geneva, the people went to Ferney, where they could get board and lodging free. Voltaire said that for fourteen years he was the innkeeper of Europe. Here he built his theatre and brought the greatest actors and actresses of the day, played himself, entertained his company and his friends and the constant stream of visitors who came from Geneva to see the plays. Even Madame Denis was kept from boredom by the life of Ferney.

In Geneva lived Jean Jacques Rousseau. He too was a rebel, mighty in war. Voltaire was keener, wittier, deeper, greater. Rousseau was more fiery, emotional, passionate. Both were really warriors in the same great cause. From their different places, three miles apart, both sent forth their thunderbolts to wake a sleeping world. When the world awakened and shook itself, churches, thrones, institutions, laws, and customs were buried in the wreck. Some charged the wreck to Voltaire, some to Rousseau.

These two men engaged in the same cause, fighting the same foes, could not agree. Rousseau joined with the clergy of Geneva in defaming Voltaire's theatre and his plays. Voltaire fought back with weapons keener than any Rousseau knew how to use. Two geniuses cannot possibly live so close together. In fact, the world itself is hardly big enough for two at the same time. As Wendell Phillips once said:

"No one hates a reformer as much as another reformer," and the war of these two men was long and bitter. It ended only with death, when both were brought to Paris and placed in the Pantheon, side by side, where they managed to stay in harmony until a frenzied religious mob sacked their tombs, burned them with quick-lime and visited the vengeance upon them when dead which they never could wreak before.

In making his improvements and overhauling the estate at Ferney, Voltaire built a new church. On the estate was one, dilapidated and old, which did not fit the new surroundings, and so long as he was to have a church, he wanted one that would ornament the place. He set to work about this, as he did at everything in life, vigorously and thoroughly. He would have a church that was a church and which would be as orthodox as any in Christendom.

For a long time he had been attending mass regularly every Sunday, taking with him his adopted child and the members of his household and setting a good example to the people on the estate. He would have a church as orthodox and as regular as Notre Dame, so he put himself in communication with the Pope and asked for a bull granting him absolute power over his churchyard, and for some sacred relics for the church. The request was granted and the Holy Father sent a piece of the hair shirt of St. Francis of Assisi, the patron saint. On the same day came a present of the portrait of Madame du Pompadour, and Voltaire re-

marked, "So, you see, I am all right both for this world and the next." He dedicated his church to "God alone" and was fond of saying that it was the only church in the universe that was dedicated to "God alone" and not to a saint. "For my part," he said, "I would rather build for the Master than for the servants." Then he designed for him a tomb attached to the church and jutting out from the wall. "The wicked will say," he remarked, "that I am neither inside nor out."

Later he shocked the holy people by going into the pulpit himself to preach. Not only did he have a church but he had a priest of his own who had lived with him at his house. An easy-going, companionable man, who cared for or paid little attention to religious matters. His name was Adam. For the most part, Father Adam's duties were to play chess with Voltaire, and when he wanted him for a game of chess he would call loudly to him, "Where art thou, Adam?"

He practically forced the priests to listen to his confession and bestow their benedictions upon him, but while he was toying with his own church, consorting with the priests, corresponding with the pope and attending mass, he was always forging his thunderbolts against the church.

For the last twenty-five years of his life, the superstition, the ignorance, and above all, the cruelty of the church, was constantly in his mind. He scarcely wrote a letter, a tract or book, that he did not revert to these over and over again, and in spite of all his contortions

and sumersaults, there probably cannot be found a line of Voltaire which defended superstition, gave countenance to cruelty or barbarism, and did not plead for the enlightenment and freedom of man.

His life at Ferney was one of constant work. All day he was busy with his books, his writings and his farm. The evening he gave up to the pleasures of society and to the Encyclopedia which was carried forward by the wisest men of France. Here he wrote volume after volume of his "Philosophical Dictionary," every page filled with subtle and deadly stabs at the church. Here he poured forth his pamphlets without number, sowing the seeds of revolution and revolt. "What harm can a book do that costs a hundred crowns," wrote Voltaire. "Twenty volumes folio will never make a revolution. It is the little pocket pamphlets of thirty sous that are to be feared." Here too he wrote his letters; letters to all kinds of people, especially scholars and rulers—letters more voluminous than ever came from the pen of any other correspondent in the world Seven thousand of these have been preserved and printed and no one knows how many more are lost forever. These letters, like his pamphlets and his book, were ever urging tolerance, enlightenment, and the freedom of the mind.

Voltaire hated prisons and hated war. He was a bitter foe, but always quick and generous to forgive. With his servants on his place, he was generous and indulgent in the extreme. On one occasion two of the house servants robbed their master. The police discovered it and wer-

hot on their trail. Voltaire bade his secretary to see the servants and urge them to flee. "For if they are arrested," he said, "I shall not be able to save them from hanging." He gave them money for their journey and helped them in every way he could.

His many acts of humanity could not be recorded. His fight for Jean Calas is one of the most heroical of this or any other age. Calas was an old resident of Toulouse. Toulouse, like all the rest of France, was an intensely religious town. The priests and the state religion held full sway. Calas was a Protestant and a respected merchant of the place, all his family were Protestants, except one son, who had joined the Catholic Church. Another son, who like his father was a Protestant, decided to study law, but he could not be admitted to practice unless he joined the established church. He grew despondent and morose and hanged himself. He was discovered in a room of the house, dead, and hanging by the neck. His family and friends sought to conceal the act, as suicide in those days, as now, was a mortal crime. One should have nothing to say either about coming into the world or going out. A suicide's soul would go to hell, but at that time his body would be drawn and quartered and thrown to the dogs. Some one of the people, which means the mob, started the cry that the son was about to become a Catholic and the father had murdered him. This was taken up until the whole city was worked to a frenzy against the helpless old man and his family. The body of the dead was taken from the home and buried in state from

the cathedral with all the rites and ceremonies of the Catholic Church. Calas was arrested, tried, and of course condemned. He was old and feeble and could not have committed the deed even had there been any motive or desire. Of course there was no substantial evidence Some one testified that a neighbor had told them that another neighbor had said that a peddler had seen Calas coming from the room where the son was hanged. Of course the peddler was not found, neither the one to whom he had talked.

In those days, hearsay evidence was a favorite kind. In two hundred years we have banished hearsay evidence from the courts of justice, and today it finds favor only with Madam Grundy, the strongest monarch in the world. Calas was doomed to torture and to death. His wrists were bound to an iron ring fastened to a stone post; his feet to another ring in the floor. They then turned the wheel until every joint in his arms and legs was dislocated. He was brought back to life, asked to confess, but he still refused. They contrived further tortures which still failed to bring a confession. The executioner then bound him to a wooden cross, broke his legs and arms with an iron bar and strangled him. Then they took his body, chained it to a stake and he was burned. His property was confiscated, his sons and daughters placed in Catholic institutions and the widow left to wander where she would.

This revolting affair was brought to the attention of Voltaire at Ferney. Calas was dead, but the system still lived. He took one of the

sons into his home, learned the facts, corresponded with all the notable people of Europe, industriously prepared the case, hired a lawyer and presented the case for review to the parliament of Paris. In this case he enlisted Frederick the Great, Catherine of Russia, and many other illustrious people throughout Europe. For six years his interest never flagged. Calas had been condemned by all the judges, excepting one. This man though a church man like the rest, would not consent. He joined with Voltaire to annul the findings of the court. After six years of constant battle, the parliament of Paris, by unanimous opinion decided that Calas was innocent of any crime. The estate was given back to the family and the children to their mother. Voltaire raised a large amount of money to take care of the family during the trial and to give them an estate after the vindication was complete.

No sooner was this case disposed of, than another equally horrible appealed to him for help. A boy nineteen years old named LaBare was charged, with several other boys, with having torn down a sacred crucifix. There was no evidence that he committed the heinous offense, but he did confess that he had sung some irreligious songs. LaBare was a reader of Voltaire's Philosophical Dictionary; also of the great Diderot. This was enough. He was condemned to death. His tongue was pulled out with hot irons, his head cut off, his body thrown into the flames, together with the Philosophical Dictionary, which inspired the horrible deed. In the meantime, his com-

panions had fled to Voltaire Voltaire took up the case, had the judgment reversed, LaBare's comrades saved and the name of the dead boy cleared of the "terrible" crime.

Many other cases almost as revolting were brought to Voltaire's attention and received his help. Of course in these cases the victim was dead, and it was easier to clear a dead victim than a live one. The most barbarous and ferocious of men and women begin to think and feel remorseful when the deed is done.

But the great battle of Voltaire for the memory of those tortured dead no doubt saved many other innocent men from the same cruel fate and went a long way toward ridding the world of the cruelty and barbarism of his age.

Voltaire no doubt realized that his long years of work were probably responsible for the charges of heresy lodged against many of the victims. They had believed what Voltaire had taught. He had written his Philosophical Dictionary full of mockery and profundity; it was audacious in the extreme and a deadly attack upon the superstition of his time. Surreptitiously he had brought it to Geneva and then denied its authorship. "If there is the least danger about it," said Voltaire, "please warn me and then I can disown it in all the public papers with my usual candor and innocence."

The world today, in court and out, acts upon the same reasoning as the judges in France at the time of Voltaire. Those who speak are often held responsible in court and out, for the revolutionary acts of men whom they never saw or of whom they never heard. It is cruel to

charge men criminally with the result of their words and thoughts. No doubt there is much immature talking and hasty writing and will always be where liberty of speech and press prevails. The political, religious, and social views of any age and even of the most radical members of society, were born, long before their time. Those who invented the alphabet and the printing press are indirectly responsible for much of the violence of a changing social state; but in the same way, they are responsible for the progress of the world, for the enlightenment, for the civilization, and for all that makes the present better than the past. Great changes never did and never can come unless accompanied by violence, by cruelty, by suffering and by pain. These are incident to the progress of the race; they are the labor pains that herald the birth of a new civilization and a better social life.

As Voltaire grew older, life flowed on with an easier current at Ferney. In this prosperous and industrious town, the huguenot and the Catholic, infidel and believer, worked and lived together in harmony and peace. He developed liberty and tolerance at home and all around him. He had there the practical realization of what was his dream for the human race.

All his life he was a child filled with sports and fancies, mixing with all the pleasures of the young. Ferney was crowded with a pleasure-loving, joyous throng. With all his other activities, he was a great match-maker. He said himself that he had brought about more than forty marriages, but he never made a

match for himself. All his life he was canny and sly.

He was urged by the Russian ruler to write a history of what Frederick the Great called "that barbarous land," but he early saw the possibility of that vast unexplored nation and the Russian force and genius that was behind it all. Catherine of Russia was one of his friends. She was philosophical, skeptical, industrious, cruel and cold, but she was awake to all the modern thought of the world. She believed in the philosophy of Voltaire and in the main used her genius to develop the future greatness of that new land. Catherine the Great was supposed to have killed her husband who was a weakling, that she might rule in his stead. Some of Voltaire's admirers objected to his intimacy with a woman of that type. "O," he said, "that bagetelle about a husband. Those are family affairs with which I do not mix myself."

Voltaire clearly saw the effects of the new intellectual life that was coming to the world. He knew what his years of toil would mean to France. The unnumbered pamphlets that had fallen over the land for sixty years, thick as the winter snow that falls from the clouds, he was certain would bear fruit. Not only what he had done, but what had been done by Rousseau and Diderot and the other writers and thinkers of his age, was bound at last permanently to affect the world. Then, too, the earth had grown tired of kings and princes who lived upon the unpaid labor of the poor. It had grown tired of the priests and super-

stitions which covered the land with a pall of night. France was awakening. The day was dawning.

Only a few years before the thunderbolt of the French revolution burst with fire and sword upon the earth, he wrote: "Everything I see shows the signs of a revolution which must infallibly come. I shall not have the pleasure of beholding it. The French reach everything late, but they do reach it at last. Young people are lucky. They will see great things. I shall not cease to preach tolerance upon the housetops until persecution is no more. The progress of the right is slow. The roots of prejudice deep. I shall never see the fruits of my efforts, but their seeds must one day germinate."

At Ferney, at the age of eighty-three, Voltaire wrote his last play, "Irene." This play was to be produced in the National Theatre at Paris. With this thought strongly in mind, a longing to see Paris once more began to overwhelm him. Madam Denis was anxious to go back; although she was growing old she yet longed for the chatter of the crowd. She urged Voltaire to go. All his friends urged him to go. "Paris," said Voltaire, "do you not know that there are forty thousand fanatics who would bring forty thousand fagots to burn me? That would be my bed of honor."

Louis XVI was then on the throne. He had most of the faults of the old king, but with these faults he was little short of an imbecile. He hated Voltaire. He knew what the works of Voltaire and Rousseau meant to the world.

"These two men have lost France," said the king. Still, he wanted to go. He would like to put "Irene" on the stage himself, to be present at its rehearsal, to see to every detail of its production; so in February, 1778, he set out for Paris. The people of his little colony were heartbroken at his departure. Although he said he would return in six weeks, at the latest, they never expected to see his face again. His journey to Paris took five days. It was a royal procession that greeted the old man all the way from Ferney to the capital. Men, women, and children turned out at every town to do him honor. This man who had been in prison, repeatedly exiled and forbidden his city, was returning after twenty-eight years to the home of his birth.

He was the intellectual king of France, if not of the world. Morley calls Voltaire's last visit to Paris one of the "historic events of the century." The philosophers, dramatists, members of the Academy, and above all, the people stood around in crowds to worship at his shrine. Nobles and churchmen stood by sullen, insolent and ominous. He was denounced from the pulpit and called "Anti-Christ"; gladly would they have sent him once more to the bastile, but they did not dare. Full well they knew that it needed but a match to start a conflagration which would forever destroy the old regime. His rooms at the Hotel Villette were crowded with the intellectuals of the capital day after day. Here came Dr. Franklin presenting his grandson, a boy of seventeen. Voltaire raised his hand above the boy's head and

blessed him with the words' "God" and "Liberty." Literary men, actors, ambassadors were to do him honor. Madame Du Barry came from her place of banishment to see the intellectual king. Madame du Pompadour had grown old, and died, and Madame Du Barry had taken her place as the favorite courtesan, the most powerful of the women who ruled the court; but on the approach of the revolution she was banished to appease the crowd. All this was too much for old Voltaire. He fell ill and his friends feared for his life. The priest came to get a confession from Voltaire. His confession would be fame enough for any priest.

On February twenty-eighth, when he believed his last hour had come, in the presence of his secretary he wrote down his Confession of Faith: "I die adoring God, loving my friends, not hating my enemies, and detesting superstition." This was dated and signed, and is preserved in the National Library at Paris. For a few days he seemed to recover from his illness. While in bed he corrected his "Irene," added to it, and re-wrote it in part. He arranged for actors and superintended the details of its production. He summoned strength enough to go to the theatre.

Voltaire was always vain in his dress and personal appearance. He rode in a star-spangled coach, covered himself with a red coat lined with white ermine; he wore white stockings and silver buckles. He was small, lean and old. His nose, like a crow's beak, almost met his chin, but on his face was the everlasting smile. Through tumultuous crowds he

drove to the Academy where he was received with wild acclamation—the Academy which had repeatedly refused to make him a member, but which now worshiped his genius and popularity. He spoke to the members, outlined a project for making a dictionary of the French language, a dictionary which is today the foundation of all the dictionaries of Europe.

He went to the theatre to see his play. The building was crowded by a tumultuous, suffocating mob, representing all members of French society. Voltaire was hailed as a king. His bust was placed upon the stage; again and again they called for the old man to speak from the box. A laurel wreath was placed upon his head and the people went mad. When he left the theatre the crowds went with him, following his carriage with shouts, and praise, and tears, until the old man reached his room. Voltaire himself wept like a child: "If I had known the people would have committed such follies I would never have gone to the theatre."

For a few days he seemed to regain his strength. He bought a house in Paris and determined to stay, but in May another attack seized him. The priest came to see him. Some say he made a confession, some say he refused it. Whether he did or not is of small importance. What he did in his dying hours, has nothing to do with the life he lived. One must be judged by his life and not by the agonies of death.

The life of Voltaire was so active and long that there can be no question of what it meant. Then, too, Voltaire knew that to be buried in

consecrated ground, he must die with the benediction of the established church. All his life he had feared that he would be thrown in the gutter when dead. This was doubtless present in the old man's mind to the last. How he died it is impossible to tell. Some, that were with him, say he died in agony; some say he died in peace. The testimony of the witnesses depends largely upon their religious views. The papers were forbidden to notice his death, and the news was kept for a time from the people. On account of the testimony of the priest who said he had received absolution, and Voltaire's written confession of faith, he was accorded an honorable burial in consecrated ground at Romilly-on-Seine, 100 miles from Paris, the burial which all his life he desired. The next day a mandate was sent from the church forbidding that he be laid in consecrated ground, but he was already there.

Thirteen years later, by order of the National Assembly, which was then taking the first steps to overthrow the old regime and usher in the revolution, he was brought back to Paris. I cannot refrain from quoting here verbatim a short account of the return, written by that wonderful Englishwoman, Tallentyre, in her brilliant biography of Voltaire:

> On July 6th, 1791, a funeral car, decked with laurels and oak leaves, drawn by four horses and escorted by a detachment of the National Guard, left Romilly-on-Seine and began its solemn triumphal progress to Paris. On the front of the car was written, "To the memory of Voltaire." On one side, "If man is born free, he ought to govern himself!" on the other, "If man has tyrants, he ought to dethrone them."

As it passed the villages, the people came out to greet it with wreaths of flowers and laurels in their hands. Mothers held up their babies that they, too, might say that they had seen this great day; old men pressed forward to touch and be healed. At night the villages through which the procession passed were illuminated; by day could be seen triumphal arches, girls dressed in white, and garlands of flowers. Out of their misery and wretchedness, the submerged poor recognized him who had wept and clamored for the right of all men and made freedom a possibility even for them.

At nightfall, on July 19th, the cortege reached Paris. The sarcophagus was placed on an altar on the ruins of that tower of the Bastile in which Voltaire had been twice a prisoner.

On the altar was the inscription, "On this spot, where despotism chained thee, receive the homage of a free people."

All Sunday night the sarcophagus remained there. At three o'clock on the sunny afternoon of Monday, July 11th, it was placed on a car designed by David and drawn through Paris, escorted by an enormous company organized, orderly, and representing every rank and condition. Here were the men who had demolished the Bastile, carrying its flag, and in their midst that terrible virago who had led them in the fray. Here were citizens with pikes, Swiss, Jacobins, actors and soldiers. Some carried banners with devices from the dead man's writings. Some dressed in Greek costume, carried a gilt model of the famous statue by Houdin. Among the self-constituted guard were many who, not a month before, had brought back that other king to this capital—from Varennes—with howls, insults and imprecations.

Singers and music preceded the car itself. Supported on four great wheels of bronze, it looked like a magnificent altar. On the summit was the sarcophagus, and on that a full-length figure of Voltaire, reclining in an attitude of sleep and with a winged Immortality placing a crown of stars on his head.

The procession itself consisted of a hundred thousand persons. Six hundred thousand more witnessed it. It first stopped at the Opera House. The operatic company came forward and sang that

song in Voltaire's "Samson," which became, with the "Marseillaise," the song of the Revolution:

"Wake ye people. Break your chains!"

After the Opera House, the Tuileries was passed. Every window was filled with spectators, save one. Behind that, closed and barred, sat the most unhappy of mortals, Louis and Marie Antoinette, awaiting doom.

At last, at ten o'clock at night, and in a drizzling rain, the Pantheon was reached.

The sarcophagus was lifted into the place designed for it near the tombs of Descartes and Mirabeau.

In the Pantheon he reposed in peace until 1814, after the Revolution was over and the Bourbons returned to power, the tombs of both Voltaire and Rousseau were broken open. They were removed in a sack at night, taken to a place outside the city, emptied into a pit and consumed with quick-lime. His ashes met the fate that he had dreaded all his life.

It is hardly necessary to sum up Voltaire. Born in a day of gross superstition, brutal barbarism, the densest bigotry and faith, he wrote his first play at the age of eighteen, and finished his last just before his death at eighty-four. During all this sixty-six years he worked unceasingly, dealing telling, deadly blows at the superstitions which held the minds of men. He died on the morning of the French revolution, a revolution which more than any other man Voltaire inspired. Had he lived a few years longer most likely Voltaire would have died on the guillotine with many other victims of that delirious spasm of liberty, that burned through France and prepared the soil for a civilization and tolerance far greater than the world had ever known.

Voltaire was small in stature, lean and spare of figure, and active in body. His nimble mind was ever ablaze during all his life. Valiantly he fought on every intellectual battlefield. True he bowed and dodged and lied over and over again, that he still might live and work. Many of his admirers cannot forgive this in the great Voltaire. Rather they would have had him, like Bruno and Servetus, remain steadfast to his faith while his living body was consumed with flames. But, Voltaire was Voltaire, Bruno was Bruno, and Servetus was Servetus. It is not for the world to judge, but to crown them all alike. Each and all lived out their own being, did their work in their own way, and carried a reluctant, stupid humanity to greater possibilities and grander heights. Voltaire was emotional and kind; with a loving heart, a sensitive body, and imaginative mind. Voltaire marks the closing of an epoch. His life and his work stand between the old and the new. When he was cold, superstition had not yet died, but had received its mortal wound. Never again can savagery control the minds and thoughts of men. Never again can the prison thumbscrews and the rack be instruments to save men's souls. Among the illustrious heroes who have banished this sort of cruelty from the Western world no other name will stand so high and shine so bright as the illustrious name

VOLTAIRE.

In the National Theatre of France stands the celebrated bust of Voltaire, the work of the great sculptor Houdin. He is little and lean and old. His skin is drawn closely over his bones. His chin and nose almost touch. A mocking sneer is on his lips and a cynic's grin upon his face. Copies and pictures of this bust have been scattered broadcast through the earth, and this is the Voltaire that the world has come to know. This is the Voltaire whose tireless hands and loving heart, and burning brain; whose sneering lips and cynic's smile will work and speak and mock and grin until the cruelty and superstition of the earth have forever fled.

NOTE—In the preparation of this address, I have drawn very freely on the biography of Voltaire written by S. S. Tallentyre, a brilliant Englishwoman. Perhaps I have drawn more freely on this book than one has the right to do, but it may create some interest in the subject, which will call for the reading of the book. Any one who feels enough interest in Voltaire to pursue his study, will find this one of the greatest biographies ever written.—C. S. D.

THE GOOD BRAHMIN

Does Happiness Result From Ignorance or From Knowledge?

VOLTAIRE.

In my travels I once happened to meet with an aged Brahmin. This man had a great share of understanding and prudence, and was very learned. He was also very rich, and his riches added greatly to his popularity, for, wanting nothing that wealth could procure, he had no desire to defraud any one. His family was admirably managed by three handsome wives, who always studied to please him, and when he was weary of their society, he had recourse to the study of philosophy.

Not far from his house, which was handsome, well furnished, and embellished with delightful gardens, dwelt an old Indian woman who was a great bigot, ignorant, and withal very poor.

"I wish," said the Brahmin to me one day, "I had never been born."

"Why so?" said I.

"Because," said he, "I have been studying these forty years, and I find it has been so much time lost. While I teach others I know nothing myself. The sense of my condition is so humiliating, it makes all things so distasteful to me, that life has become a burden. I have been born, and I exist in time, without knowing what time is. I am placed, as our wise men say, in confines between two eternities, and yet I have no idea of eternity. I

am composed of matter, I think, but have never been able to satisfy myself what it is that produces thought. I even am ignorant whether my understanding is a simple faculty I possess, like that of walking and digesting, or if I think with my head in the same manner as I take hold of a thing with my hands. I am not only thus in the dark with relation to the principles of thought, but the principles of my motions are entirely unknown to me. I do not know why I exist, and yet I am applied to every day for a solution of the enigma. I must return an answer, but can say nothing satisfactory on the subject. I talk a great deal, and when I have done speaking remain confounded and ashamed of what I have said.

"I am in still greater perplexity when I am asked if Brahma was produced by Vishnu, or if they have both existed from eternity. God is my judge that I know nothing of the matter, as plainly appears by my answers. 'Reverend father,' says one, 'be pleased to inform me how evil is spread over the face of the earth.' I am as much at a loss as those who ask the question. Sometimes I tell them that everything is for the best; but those who have the gout or the stone—those who have lost their fortunes or their limbs in wars—believe as little of this assertion as I do myself. I retire to my own house full of curiosity, and endeavor to enlighten my ignorance by consulting the writings of our ancient sages, but they only serve to bewilder me the more. When I talk with my brethren upon this subject, some tell me we ought to make the most of life and

laugh at the world. Others think they know something, and lose themselves in vain and chimerical hypotheses. Every effort I make to solve the mystery adds to the load I feel. Sometimes I am ready to fall into despair when I reflect that, after all my researches, I neither know from whence I came, what I am, whither I shall go, or what is to become of me."

The condition in which I saw this good man gave me real concern. No one could be more rational, no one more open and honest. It appeared to me that the force of his understanding and the sensibility of his heart were the causes of his misery.

The same day I had a conversation with the old woman, his neighbor. I asked her if she had ever been unhappy for not understanding how her soul was made? She did not even comprehend my question. She had not, for the briefest moment in her life, had a thought about these subjects with which the good Brahmin had so tormented himself. She believed from the bottom of her heart in the metamorphoses of her god, Vishnu, and, provided she could get some of the sacred water of the Ganges in which to make her ablutions, she thought herself the happiest of women.

Struck with the happiness of this poor creature, I returned to my philosopher, whom I thus addressed:

"Are you not ashamed to be thus miserable when, not fifty yards from you, there is an old automaton who thinks of nothing and lives contented?"

"You are right," he replied. "I have said to

myself a thousand times that I should be happy if I were but as ignorant as my old neighbor, and yet it is a happiness I do not desire."

This reply of the Brahmin made a greater impression on me than anything that had passed. I consulted my own heart and found that I myself should not wish to be happy on condition of being ignorant.

I submitted this matter to some philosophers, and they were all of my opinion; and yet, said I, there is something very contradictory in this manner of thinking, for, after all, what is the question? Is it not to be happy? What signifies it then whether we have understandings or whether we are fools? Besides, there is this to be said: those who are contented with their condition are sure of that content, while those who have the faculty of reasoning are not always sure of reasoning right. It is evident then, I continued, that we ought rather to wish not to have common sense, if that common sense contributes to our being either miserable or wicked.

They were all of my opinion, and yet not one of them could be found to accept of happiness on the terms of being ignorant. From hence I concluded that, although we may set a great value upon happiness, we set a still greater upon reason.

But after mature reflection upon this subject I still thought there was great madness in preferring reason to happiness. How is this contradiction to be explained? Like all other questions, a great deal may be said about it.

THE TWO COMFORTERS

VOLTAIRE.

The great philosopher Citosile once said to a woman who was disconsolate, and who had good reason to be so: "Madam, the Queen of England, daughter to Henry VIII., was as wretched as you. She was banished from her kingdom, was in great danger of being taken at sea, and saw her royal spouse expire on a scaffold."

"I am sorry for her," said the lady, and began to lament her own misfortunes.

"But," said Citosile, "remember the fate of Mary Stuart. She loved (but with most chaste and virtuous affection) an excellent musician, who played admirably on the bass-viol. Her husband killed her musician before her face; and in the sequel her good friend and relative, Queen Elizabeth, who called herself a virgin, caused her head to be cut off on a scaffold covered with black, after having confined her in prison for the space of eighteen years."

"That was very cruel," replied the lady, and presently relapsed into her former melancholy.

"Perhaps," said the comforter, "you have heard of the beautiful Joan of Naples, who was taken prisoner and strangled."

"I have a dim remembrance of her," said the afflicted lady.

"I must relate to you," continued the other, "the adventure of a sovereign princess who,

within my recollection, was dethroned after supper and who died on a desert island."

"I know her whole history," replied the lady.

"Well, then," said Citosile, "I will tell you what happened to another great princess whom I instructed in philosophy. She had a lover, as all great and beautiful princesses have. Her father surprised this lover in her company, and was so displeased with the young man's confused manner and excited countenance that he gave him one of the most terrible blows that had ever been given in his province. The lover seized a pair of tongs and broke the head of the angry parent, who was cured with great difficulty, and who still bears the marks of the wound. The lady in fright leaped out of the window and dislocated her foot, in consequence of which she habitually halts, though still possessed in other respects of a very handsome person. The lover was condemned to death for having broken the head of a great prince. You can imagine in what a deplorable condition the princess must have been when her lover was led to the gallows. I have seen her long ago when she was in prison, and she always spoke to me of her own misfortunes."

"And why will you not allow me to think of mine?" said the lady.

"Because," said the philosopher, "you ought not to think of them; and since so many great ladies have been so unfortunate, it ill becomes you to despair. Think of Hecuba—think of Niobe."

"Ah!" said the lady, "had I lived in their time, or in that of so many beautiful prin-

cesses, and had you endeavored to console them by a relation of my misfortunes, would they have listened to you, do you imagine?"

Next day the philosopher lost his only son, and was entirely prostrated with grief. The lady caused a catalogue to be drawn up of all the kings who had lost their children, and carried it to the philosopher. He read it—found it very exact—and wept nevertheless.

Three months afterwards they chanced to renew their acquaintance, and were mutually surprised to find each other in such a gay and sprightly humor. To commemorate this event, they caused to be erected a beautiful statue to Time, with this inscription: *"TO HIM WHO COMFORTS."*

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Realism in Literature and Art

Clarence Darrow

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REALISM IN LITERATURE AND ART

Man is nature's last and most perfect work, but, however high his development or great his achievements, he is yet a child of the earth and the rude forces that have formed all the life that exists thereon. He cannot separate himself from the environment that gave him birth, and a thousand ties of nature bind him back to the long forgotten past and prove his kinship to all the lower forms of life that have sprung from that great universal mother, Earth.

As there is a common law of being, which controls all living things, from the aimless motions of the mollusk in the sea to the most perfect conduct of the best developed man, so all the activities of human life, from the movements of the savage digging roots, to the work of the greatest artist with his brush, are controlled by universal law, and are good or bad, perfect or imperfect, as they conform to the highest condition nature has imposed.

The early savage dwelt in caves and cliffs and spent his life in seeking food and providing a rude shelter from the cold. He looked upon the earth, the sun, the sea, the sky, the mountain peak, the forest and the plain, and all he saw and heard formed an impression on his brain and aided in his growth. Like a child he marveled at the storm and flood; he stood in awe as he looked upon disease and

death; and to explain the things he could not understand, he peopled earth and air and sea with gods and demons, and a thousand other weird creations of his brain. All these mysterious creatures were made in the image of the natural objects that came within his view. The gods were men grown large and endowed with marvelous powers, while tree and bird and beast alike were used as models for a being far greater than any nature ever formed.

An angry god it was that made the rivers overrun their banks and leave destruction in their path; an offended god it was that hurled his thunderbolts upon a wicked world, or sent disease and famine to the sinning children of the earth: and to coax these rulers to be merciful to man, the weak and trembling children of the ancient world turned their minds to sacrifice and prayer. And the first clouded thoughts of these rude men that were transcribed on monument and stone, or carved in wood, or painted with the colors borrowed from the sun and earth and sky; in short, the first rude art was born to sing the praise, and tell the fame, and paint the greatness of the gods. But all of this was natural to the time and place; the graven images, the chiseled hieroglyphics and all this rude beginning of literature and art were formed upon what men saw and heard and felt, enlarged and magnified to fit the stature of the gods.

As the world grew older art was used to celebrate the greatness and achievements of kings and rulers as well as gods, and their tombs were ornamented with such decorations

as these early ages could create; and yet all literature and art were only for the gods and rulers of the world. Then, even more than now, wealth and power brought intellect to do its will, and all its force was spent to sing the praises of the rulers of the earth and air. The basis of all this art of pen and brush was the reality of the world, but this was so magnified and distorted for the base use of kings and priests that realism, in the true sense, could not exist. It would not do to paint a picture of a king resembling a man of flesh and blood, and of course a god must be far greater than a king. It would not do to write a tale in which kings and princes, lords and ladies, should act like men and women, else what difference between the ruler and the ruled? The marvelous powers that romance and myth had given to gods and angels were transferred to those of royal blood. The wonderful achievements of these kings and princes could be equaled only by the gods, and the poor dependents of the world, who lived for the glory of the great, were fed with legends and with tales that sung the praises of the strong.

Literature, sculpture, painting, music, and architecture, indeed all forms of art, were the exclusive property of the great, and the artist then, like most of those today, was retained to serve the strong and maintain the status of the weak. No one dreamed that there was any beauty in a common human life or any romance in a fact. The greatest of the earth had not yet learned to know that every life is a mystery and every death a tragedy; that the spark

of the infinite, which alone transforms clay to life, animates alike the breast of the peasant and the soul of the prince. The world had not yet learned that the ant-hill is as great as Mont Blanc, and the blade of grass as mysterious as the oak. It is only now that the world is growing so delicate and refined that it can see the beauty of a fact; that it is developing a taste so rare as to distinguish between the false and true; that it can be moved by the gentle breeze as well as by the winter's gale; that it can see greater beauty in a statement true to life, than in the inflated tales which children read.

Most of the art and literature the world has known has been untrue. The pictures of the past have been painted from the distorted minds of visionists, and the pliant brains of tools. They have represented impossible gods and unthinkable saints; angels and cherubs and demons; everything but men and women. Saints may be all right in their place, but a saint with a halo round his head was born of myth and not of art. Angels may be well enough, but all rational men prefer an angel with arms to an angel with wings. When these artists were not drawing saints and madonnas, they were spending their time in painting kings and royal knaves; and the pictures of the rulers were as unlike the men and women that they were said to represent as the servile spirit of the painter was unlike that of the true artist today. Of course an artist would not paint the poor; they had no clothes that would adorn a work of art, and no money nor favors that

could remunerate the toil. An ancient artist could no more afford to serve the poor than a modern lawyer could defend the weak.

After literature had so far advanced as to concern other beings than gods and kings, the authors of these ancient days told of wondrous characters endowed with marvelous powers; knights with giant strength and magic swords; princes with wondrous palaces and heaps of gold; travelers that met marvelous beasts and slew them in extraordinary ways; giants with forms like mountains, and strength like oxen, who could vanquish all but little dwarfs. Railroads were not invented in those early days, but travel was facilitated by the use of seven league boots. Balloons and telescopes were not yet known, but this did not keep favored heroes from peering at the stars or looking down from on high upon the earth; they had but to plant a magic bean before they went to bed at night, and in the morning it had grown so tall that it reached up to the sky; and the hero, although not skilled in climbing, needed simply to grasp the stalk and say, "Hitchety, hatchety, up I go. Hitchety, hatchety, up I go," and by this means soon vanish in the clouds. Tales of this sort used once to delight the world, and the readers half believed them true. We give them to children now, and the best of these view them with a half contempt.

The modern man does not enjoy these myths. He relishes a lie, but it must not be too big; it must be so small that, although he knows in his inmost soul that it is not true, he can yet half make himself believe it is not false. Most

of us have cherished a pleasing, waking dream, and have fondly clung to the sweet delusion while we really knew it was not life. The modern literary stomach is becoming so healthy that it wants a story at least half true; should the falsehood be too strong, it acts as an emetic instead of food. These old fairy tales have lost their power to charm, as the stories of the gods and kings went down before. They have lost their charm, for as we read them now, they wake no answering chord born of the experiences that make up what we know of human life.

When the beauty of realism shall be truly known, we shall read the book, or look upon the work of art, and in the light of all we know of life, shall ask our beings whether the picture that the author or the painter creates for us is like the image that is born of the consciousness that moves our soul, and the experiences that have made us know.

Realism worships at the shrine of nature; it does not say that there may not be a sphere in which beings higher than man can live, or that some time an eye may not rest upon a fairer sunset than was ever born behind the clouds and sea, but it knows that through countless ages nature has slowly fitted the brain and eye of man to the earth on which we live and the objects that we see: and the perfect earthly eye must harmonize with the perfect earthly scene.

To say that realism is coarse and vulgar is to declare against nature and her works, and to assert that the man she made may dream

of things higher and grander than nature could unfold. The eye of the great sculptor reveals to him the lines that make the most perfect human form, and he chisels out the marble block until it resembles this image so completely that it almost seems to live. Nature, through ages of experiment and development, has made this almost faultless form. It is perfect because every part is best fitted for the separate work it has to do. The artist knows that he could not improve a single organ if he would, for all the rest of nature must be adjusted to the change. He has the skill to reproduce this shape in lasting stone, and the human brain could not conceive a form more beautiful and fair. Here is a perfect image of the highest work that countless centuries of nature's toil has made, and yet some would seek to beautify and sanctify this work by dressing it in the garb that shifting fashion and changing fancy makes for man.

Only the vulgar superstition of the past ever suggested that the reproduction of human forms in stone was an unholy work. Through long dark centuries religion taught that the flesh was vile and bad, and that the soul of man was imprisoned in a charnel house, unfit for human sight. The early Christians wounded, bruised, and maimed their house of clay; they covered it with skins, which under no circumstances could be removed, and many ancient saints lived and died without ever having looked upon the bodies nature gave. The images of saints and martyrs, which in the name of religion were scattered through Eu-

rope, were covered with paint and clothes, and were nearly as hideous as the monks that placed them there. When the condition of Europe and its religious thought are clearly understood, it is not difficult to imagine the reception that greeted the first dawn of modern realistic art. Sculpture and painting defied the material. They told of beauty in the human form which hundreds of years of religious fanaticism had taught was bad and vile. If the flesh was beautiful, what of the monks and priests, who had hidden it from sight, who had kept it covered night and day through all their foolish lives, who maimed and bruised, cut and lacerated, for the glory of the spirit, which they thought was chained within. The church had taught that the death of the flesh was the birth of the soul, and they therefore believed that the artist's resurrection of the flesh was the death of the soul.

This old religious prejudice, born of a misty, superstitious past, has slowly faded from the minds of men, but we find its traces even yet. The origin of the feeling against realistic art has well nigh been forgot, but much of the feeling still remains. No one would now pretend to say that all the body was unholy or unfit for sight, and yet years of custom and inherited belief have made us think that a part is good and the rest is bad: that nature, in her work of building up the human form, has made one part sacred and another vile. It is easy to mistake custom for nature, and inherited prejudice for morality. There is scarcely a single portion of the human body but that some peo-

ple have thought it holy, and scarcely a single portion but that some have believed it vile. It was not shame that made clothing, but clothing that made shame. If we would eradicate from our beliefs all that inheritance and environment have given, it would be hard for us to guess how much should still remain. Custom has made most things good and most things bad, according to the whim of time and place. To find solid ground we must turn to nature and ask her what it is that conduces to the highest happiness and the longest life.

The realistic artist cannot accept the popular belief, whatever that may be, as to just where the dead line on the human body should be drawn that separates the sacred and profane. There are realists that look at all the beauty and loveliness of the world, and all its maladjustments too, and do not seek to answer the old, old question whether back of this is any all-controlling and designing power; they do not answer, for they cannot know; but they strive to touch the subtle chord that makes their individual lives vibrate in harmony with the great heart of that nature, which they love; and they cannot think but that all parts of life are good, and that while men may differ, nature must know best.

Other realists there are that believe they see in nature the work of a divine maker, who created man in his own image as the last and highest triumph of his skill; that the minutest portion of the universe exists because he wished it thus. To the realist that accepts this all-controlling power, any imputation against a

portion of his master's work must reach back to the author that designed it all.

We need not say that the human body might not be better than it is; we need only know that it is the best that man can have, and that its wondrous mechanism has been constructed with infinitely more than human skill; that every portion is adapted for its work, and through the harmony of every part the highest good is reached; and that all is beautiful, for it makes the being best adapted to the earth. Those who denounce realistic art deny that knowledge is power and that wisdom only can make harmony, and they insist instead that there are some things vital to life and happiness that we should not know, but that if we must know these things, we should at all events pretend that we do not. One day the world will learn that all things are good or bad according to the service they perform. One day it ought to learn that the power to create immortality, through infinite succeeding links of human life, is the finest and most terrible that nature ever gave to man, and that to ignore this power or call it bad, or fail to realize the great responsibility of this tremendous fact, is to cry out against the power that gave us life, and commit the greatest human sin, for it may be one that never dies.

The true artist does not find all beauty in the human face or form. He looks upon the sunset, painting all the clouds with rosy hue, and his highest wish is to create another scene like this. He never dreams that he could paint a sunset fairer than the one which lights

the fading world. A fairer sunset would be something else. He sees beauty in the quiet lake, the grassy field, and running brook; he sees majesty in the cataract and mountain peak. He knows that he can paint no streams and mountain peaks more perfect than the ones that nature made.

The growth of letters has been like the growth of art from the marvelous and mythical to the natural and true. The tales and legends of the ancient past were not of common men and common scenes. These could not impress the undeveloped intellect of long ago. A man of letters could not deify a serf, or tell the simple story of the poor. He must write to maintain the status of the world, and please the prince that gave him food; so he told of kings and queens, of knights and ladies, of strife and conquest; and the coloring he used was human blood.

The world has grown accustomed to those ancient tales, to scenes of blood and war, and novels that would thrill the soul and cause the hair to stand on end. It has read these tales so long that the true seems commonplace, and unfit to fill the pages of a book. But all the time we forget the fact that the story could not charm unless we half believed it true. The men and women in the tale we learn to love and hate; we take an interest in their lives; we hope they may succeed or fail; we must not be told at every page that the people of the book are men of straw, that no such beings ever lived upon the earth. We could take no interest in men and women that are myths

conjured up to play their parts, and remind us in every word they speak that, regardless of the happiness or anguish the author makes them feel, they are but myths and can know neither joy nor pain.

It may be that the realistic tale is commonplace, but so is life, and the realistic tale is true. Among the countless millions of the earth it is only here and there, and now and then, that some soul is born from out the mighty deep that does not soon return to the great sea and leave no ripple on the waves.

In the play of life each actor seems important to himself; the world he knows revolves around him as the central figure of the scene; his friends rejoice in all the fortune he attains and weep with him in all his grief. To him the world is bounded by the faces that he knows, and the scenes in which he lives. He forgets the great surging world outside, and cannot think how small a space he fills in that infinity which bounds his life. He dies, and a few sorrowing friends mourn him for a day and the world does not know he ever lived or ever died. In the ordinary life nearly all events are commonplace; but a few important days are thinly sprinkled in amongst all of those that intervene between the cradle and the grave. We eat and drink, we work and sleep, and here and there a great joy or sorrow creeps in upon our lives, and leaves a day that stands out against the monotony of all the rest; like the pyramids upon the level plains; but these events are very few and are important only to ourselves, and for the rest we walk

with steady pace and slow along the short and narrow path of life, and rely upon the common things alone to occupy our minds and hide from view the marble stone that here and there gleams through the over-hanging trees just where the road leaves off.

The old novel which we used to read and to which the world so fondly clings, had no idea of relation or perspective. It had a hero and a heroine, and sometimes more than one. The revolutions of the planets were less important than their love. War, shipwreck, and conflagration, all conspired to produce the climax of the scene, and the whole world stood still until the lovers' hearts and hands were joined. Wide oceans, burning deserts, arctic seas, impassable jungles, irate fathers, and even designing mothers, were helpless against the decree that fate had made, and when all the barriers were passed and love had triumphed over impossibilities, the tale was done; through the rest of life nothing of interest could occur. Sometimes in the progress of the story, if the complications were too great, a thunderbolt or an earthquake was introduced to destroy the villain and help on the match. Earthquakes sometimes happen, and the realistic novelist might write a tale of a scene like this, but then the love affair would be an incident of the earthquake, and not the earthquake an incident of the love affair.

In real life the affections have played an important part and sometimes great things have been done and suffered in the name of love, but most of the affairs of the human

heart, have been as natural as the other events of life.

The true love story is generally a simple thing. "Beside a country road, on a sloping hill, lives a farmer, in the house his father owned before. He has a daughter, who skims the milk, and makes the beds, and goes to singing school at night. There are other members of the household, but our tale is no concern of theirs. In the meadow back of the house a woodchuck has dug its hole, and reared a family in its humble home. Across the valley only a mile away, another farmer lives. He has a son, who plows the fields and does the chores and goes to singing school at night. He cannot sing, but attends the school as regularly as if he could. Of course he does not let the girl go home alone, and in the spring, when singing school is out, he visits her on Sunday eve without excuse. If the girl had not lived so near, the boy would have fancied another girl about the same age, who also went to singing school. Back of the second farmer's house is another woodchuck hole and woodchuck home. After a year or two of courtship the boy and girl are married as their parents were before, and they choose a pretty spot beside the road, and build another house near by, and settle down to common life: and so the world moves on. And a woodchuck on one farm meets a woodchuck on the other, and they choose a quiet place beside a stump, in no one's way, where they think they have a right to be, and dig another hole and make another home." For after all, men and animals are much alike and

nature loves them both and loves them all, and sends them forth to drive the loneliness from off the earth, and then takes them back into her loving breast to sleep.

It may be that there are few great incidents in the realistic take, but each event appeals to life and cannot fail to wake our memories and make us live the past again. The great authors of the natural school—Tolstoi, Hardy, Howells, Daudet, Ibsen, Flaubert, Zola and their kind, have made us think and live. Their words have burnished up our minds and revealed a thousand pictures that hang upon the walls of memory, covered with dust of years, and hidden from our sight. Sometimes of course we cry with pain at the picture that is thrown before our view, but life consists of emotions, and we cannot truly live unless the depths are stirred. These great masters, it is true, may sometimes shock the over-sensitive with the tales they tell of life, but if the tale is true, why hide it from our sight?

There is nothing more common than the protest against the wicked stories of the realistic school, filled with tales of passion and of sin; but he that denies passion denies all the life that exists upon the earth, and cries out against the mother that gave him birth. And he that ignores this truth passes with contempt the greatest fact that nature has impressed upon the world. Those who condemn as sensual the tales of Tolstoi and Daudet still defend the love stories of which our literature is full. Those weak and silly tales that make women fit only to be the playthings of the world, and

deny to them a single thought or right except to serve their master, man. These objectors do not contend that tales dealing with the feelings and affections shall not be told, they approve these tales; they simply insist that they shall be false instead of true. The old novel filled the mind of the school girl with a thousand thoughts that had no place in life—with ten thousand pictures she could never see. It taught that some time she should meet a prince in disguise to whom she would freely give her hand and heart. So she went out upon the road to find this prince, and the more disguised he was, the more certain did she feel that he was the prince for whom she sought. The realist paints the passions and affections as they are. Both man and woman can see their beauty and their terror, their true position, and the relation that they bear to all the rest of life. He would not beguile the girl into the belief that her identity should be destroyed and merged for the sake of this feeling, which not once in ten thousand times could realize the promises the novel made; but he would leave her as an individual to make the most she can, and all she can, of life, with all the hope and chance of conquest, which men have taken for themselves. Neither would the realist cry out blindly against these deep passions, which have moved men and women in the past, and which must continue fierce and strong as long as life exists. He is taught by the scientist that the fiercest heat may be transformed to light, and is taught by life that from the strongest passions are sometimes born the sweetest and the purest souls.

In these days of creeds and theories, of preachers in the pulpit and of preachers out, we are told that all novels should have a moral and be written to serve some end. So we have novels on religion, war, marriage, divorce, socialism, theosophy, woman's rights, and other topics without end. It is not enough that the preachers and lecturers shall tell us how to think and act; the novelist must try his hand at preaching too. He starts out with a theory, and every scene and incident must be bent to make it plain that the author believes certain things. The doings of the men and women in the book are secondary to the views the author holds. The theories may be true, but the poor characters that must adjust their lives to these ideal states are sadly warped and twisted out of shape. The realist would teach a lesson, too, but he would not violate a single fact for all the theories in the world—for a theory could not be true if it did violence to life. He paints his picture so true and perfect that all men who look upon it know it is a likeness of the world that they have seen; they know that these are men and women and little children that they meet upon the streets; they see the conditions of their lives, and the moral of the picture sinks deep into their minds.

There are so-called scientists that make a theory and then gather facts to prove their theory true; the real scientist patiently and impartially gathers facts, and then forms a theory to explain and harmonize these facts. All life bears a moral, and the true artist must teach a lesson with his every fact. Some con-

tend that the moral teacher must not tell the truth; the realist holds that there can be no moral teaching like the truth. The world has grown tired of preachers and sermons; today it asks for facts. It has grown tired of fairies and angels, and asks for flesh and blood. It looks on life as it exists, both its beauty and its horror, its joy and its sorrow; it wishes to see it all; not the prince and the millionaire alone, but the laborer and the beggar, the master and the slave. We see the beautiful and the ugly, and with it know what the world is and what it ought to be; and the true picture, which the author saw and painted, stirs the heart to holier feelings and to grander thoughts.

It is from the realities of life that the highest idealities are born. The philosopher may reason with unerring logic, and show us where the world is wrong. The economist may tell us of the progress and poverty that go hand in hand; but these are theories, and the abstract cannot suffer pain. Dickens went out into the streets of the great city and found poor little Jo sweeping the crossing with his broom. All around was the luxury and the elegance, which the rich have ever appropriated to themselves; great mansions, fine carriages, beautiful dresses; but in all the great city of houses and homes poor little Jo could find no place to lay his head. His home was in the street, and every time he halted for a moment in the throng, the policeman touched him with his club and bade him "move on." At last, ragged, wretched, almost dead with "moving on," he sank down upon the cold stone steps of a magnificent build

ing erected for "The Propagation of the Gospel in Foreign Parts." As we think of wretched, ragged Jo in the midst of all this luxury and wealth, we see the tens of thousands of other waifs in the great cities of the world, and we condemn the so-called civilization of the earth that builds the mansions of the rich and great upon the rags and miseries of the poor.

The true realist cannot worship at the shrine of power, nor prostitute his gifts for gold. With an artist's eye he sees the world exactly as it is, and tells the story faithful unto life. He feels for every heart that beats, else he could not paint them as he does. It takes the soul to warm a statue into life and make living flesh and coursing blood, and each true picture that he paints or draws makes the world a better place in which to live.

The artists of the realistic school have a sense so fine that they cannot help catching the inspiration that is filling all the world's best minds with the hope of greater injustice and more equal social life. With the vision of the seer they feel the coming dawn when true equality shall reign upon the earth; the time when democracy shall no more be confined to constitutions and to laws, but will be a part of human life. The greatest artists of the world today are telling facts and painting scenes that cause humanity to stop, and think, and ask why one should be a master and another be a serf; why a portion of the world should toil and spin, should wear away its strength and life, that the rest should live in idleness and ease.

The old-time artists thought they served humanity by painting saints and madonnas and angels from the myths they conjured in their brains. They painted war with long lines of soldiers dressed in uniforms, and looking plump and gay; and a battle scene was always drawn from the side of the victorious camp, with the ensign proudly planting his bright colors on the rampart of the foe. One or two were dying, but always in their comrades' arms, and listening to shouts of victory that filled the air, and thinking of the righteous cause for which they fought and died. In the last moments they dreamed of pleasant burial yards at home, and of graves kept green by loving, grateful friends; and a smile of joy shone on their wasted faces that was so sweet, that it seemed a hardship not to die in war. They painted peace as a white-winged dove settling down upon a cold and fading earth. Between the two it was plain which choice a boy would make, and thus art served the state and king.

But Verestchagin painted war; he painted war so true to life that as we look upon the scene, we long for peace. He painted war as war has ever been, and as war will ever be—a horrible and ghastly scene, where men, drunk with blind frenzy which rulers say is patriotic pride, and made mad by drums and fifes and smoke and shot and shell and flowing blood, seek to maim and wound and kill, because a ruler gives the word. He paints a battlefield, a field of life and death; a field of carnage and of blood; and who are these that fight like fiends and devils driven to despair? What

cause is this that makes these men forget that they are men, and vie with beasts to show their cruel thirst for blood? They shout of home and native land, but they have no homes, and the owners of their native land exist upon their toil and blood. The nobles and princes, for whom this fight is waged, are far away upon a hill, beyond the reach of shot and shell, and from this spot they watch their slaves pour out their blood to satisfy their rulers' pride and lust of power. What is the enemy they fight? Men like themselves; who blindly go to death at another king's command, slaves, who have no land, who freely give their toil or blood, whichever one their rulers may demand. These fighting soldiers have no cause for strife, but their rulers live by kindling in their hearts a love of native land, a love that makes them hate their brother laborers of other lands, and dumbly march to death to satisfy a king's caprice. But let us look once more after the battle has been fought. Here we see the wreck and ruin of the strife; the field is silent now, given to the dead, the beast of prey and night. A young soldier lies upon the ground; the snow is falling fast around his form; the lonely mountain peaks rise up on every side; the wreck of war is all about. His uniform is soiled and stained, a spot of red is seen upon his breast. It is not the color that his country wove upon his coat to catch his eye and bait him to his death; it is hard and jagged and cold. It is his life's blood, which leaked out through a hole that followed the point of a saber to his heart. His form is stiff and cold, for he is

dead. The cruel wound and icy air have done their work. The government that took his life taught this poor boy to love his native land; as a child he dreamed of scenes of glory and of power, and the great wide world just waiting to fall captive to his magic strength. He dreamed of war and strife, of victory and fame; if he should die, kind hands would smooth his brow, and loving friends would keep his grave and memory green, because he died in war. But no human eye is there at last, as the mist of night and mist of death shut out the lonely mountains from his sight. The snow is all around, and the air above is gray with falling flakes, which soon will hide him from the world; and when the summer time shall come again, no one can tell his bleaching bones from all the rest. The only life upon the scene is the buzzard slowly circling in the air above his head, waiting to make sure that death has come. The bird looks down upon the boy, into the eyes through which he first looked out upon the great, wide world, and which his mother fondly kissed; upon these eyes the buzzard will commence his meal.

Not all the world is beautiful, and not all of life is good. The true artist has no right to choose the lovely spots alone and make us think that this is life. He must bring the world before our eyes and make us read and learn. As he loves the true and noble, he must show the false and bad. As he yearns for true equality, he must paint the master and the slave. He must tell the truth, and tell it all, must tell it o'er and o'er again, till the deafest ear

will listen and the dullest mind will think. He must not swerve to please the world by painting only pleasant sights and telling only lovely tales. He must think, and paint, and write, and work, until the world shall learn so much and grow so good, that the true will all be beautiful and all the real be ideal.

ROBERT BURNS

It is difficult to account for a genius like Robert Burns. His life and work seem to defy the laws of heredity and environment alike. The beasts of the field were scarcely bound closer to the soil than were the ancestors from which he sprang; and from his early infancy he was forced to follow the stony path his father trod before. As a mere child, he learned how hard it is to sustain life in the face of an unfriendly nature and a cruel, bitter world. He was early bred to toil; not the work that gives strength and health, but the hard, constant, manual labor that degrades and embitters, deforms and twists and stunts the body and the soul alike. Burns was denied even the brief years of childhood—those few short years upon which most of us look back from our disappointments and cares as the one bright spot in a gray and level plain.

It is not alone by the works he has left us that Robert Burns is to be truly judged. Fortune endowed him with a wondrous brain and a still rarer and greater gift—a tender, loving, universal heart; but as if she grudged him these and sought to destroy or stunt their power, she cast his lot in a social and religious environment as hard and forbidding as the cold and sterile soil of his native land; and from these surroundings alone he was obliged to draw the warmth and color and sunshine that should have come from loving hearts, generous

bounties, and bright, blue southern skies. In measuring the power and character of Robert Burns, we must remember the hard and cruel conditions of his life, and judge of his great achievements in the light of these.

The ways of destiny have ever been beyond the ken of man; now and then, at rare, long intervals, she descends upon the earth, and in her arms she bears disguised a precious gift, which she lavished upon a blind, unwilling world. She passes by the gorgeous palaces and beautiful abodes of men, and drops the treasure in a manger or a hut; she comes again to take it back from a world that knew it not and cast it out; and again, she seeks it not among the strong and great, but in the hovel of the poor, the prison pen, or perhaps upon the scaffold or the block.

Measured by the standards of our day and generation, the life of Robert Burns was a failure and mistake. He went back to the great common Mother as naked of all the gilded trappings and baubles, which men call wealth, as when she first placed the struggling infant on its mother's breast.

Robert Burns was not a "business man"; he was not one of Dumfries' "first citizens"—in the measure of that day and this; he was one of its last if not its worst. He had no stock in a corporation and no interest in a syndicate or trust. He had neither a bank nor bank account. He never endowed a library, a museum, or a university. He was a singer of songs,—a dreamer of dreams. He was poor, improvident, intemperate, and according to the

Scottish creed, immoral and irreligious. In spite of his great intellect he was doubted, neglected and despised. He died in destitution and despair; but the great light of his genius, which his neighbors could not see or comprehend, has grown brighter and clearer as the years have rolled away. A beautiful mausoleum now holds his once neglected ashes; monuments have been reared to his memory wherever worth is known and fame preserved; while millions of men and women, the greatest and the humblest of the world alike, have felt their own heartstrings moved and stirred in unison with the music of this immortal bard, whose song was the breath of Nature,—the sweetest, tenderest melody that ever came from that rarest instrument—the devoted poet's soul.

The great masterpieces of his genius were not created in the pleasant study of a home of refinement, luxury, and ease, but were born in the fields, the farm yard, the stable; while the "monarch peasant" was bending above the humblest tasks that men pursue for bread. Only the most ordinary education was within the reach of this child of toil, and the world's great storehouses of learning, literature, and art were sealed forever from his sight; and yet, with only the rude peasants, with whom his life was spent, the narrow setting of bleak fields and gray hills, which was the small stage on which he moved, and the sterile Scotch dialect with which to paint, he stirred the hearts of men with the sweetest, highest, purest melody that has ever moved the human soul.

Olive Schreiner tells of an artist whose pic-

tures shone with the richest, brightest glow. His admirers gazed upon the canvas and wondered where he found the colors—so much rarer than any they had ever seen before. Other artists searched the earth but could find no tints like his; he died with the secret in his breast. And when they undressed him to put his grave-clothes on, they found an old wound, hard and jagged above his heart; and still they wondered where he found the coloring for his work. Robert Burns, perhaps more than any other man who ever lived, taught the great truth that poets are not made but born; that the richest literature, the brightest gems of art, even the most pleasing earthly prospects are less than one spark of the divine fire, which alone can kindle the true light. Robert Burns like all great artists, taught the world that the beauty of the landscape, and the grandeur and pathos of life depend, not upon the external objects that nature has chanced to place before our view, but upon the soul of the artist, which alone can really see and interpret the manifold works of the great author, beside which all human effort is so poor and weak.

Millet looked at the French peasants standing in their wooden shoes, digging potatoes from the earth and pausing to bow reverently at the sounding of the Angelus, and saw in this simple life, so close to Nature's heart, more beauty and pathos and poetry than all the glittering courts of Europe could produce. And Robert Burns, whose broad mind and sympathetic soul made him kin to all living things, had no need to see the splendor and gaiety of wealth and

power, to visit foreign shores and unknown lands; but the flowers, the heather, the daisies, the bleak fields, the pelting rains, the singing birds, the lowing cattle, and above all, the simple country folk seen through his eyes, and felt by his soul, and held in his all-embracing heart, were covered with a beauty and a glory that all the artificial world could not create, and that his genius has endowed with immortal life. Robert Burns did not borrow his philosophy from the books, his humanity from the church, or his poetry from the schools. Luckily for us he escaped all these, and unfettered and untaught, went straight to the soul of Nature to learn from the great source, the harmony and beauty and unity that pervades the whole; and he painted these with colors drawn from his great human heart. His universal sympathy gave him an insight into life that students of science and philosophy can never reach. Contemplating Nature, and seeing her generous bounties lavished alike on all her children, he could not but contrast this with the selfishness and inhumanity of man, which crushes out the weak and helpless and builds up the great and strong. Burns was a natural leveler, and while men still believed in the "divine right of kings," he preached that "man was the divine King of rights." None knew better than he the injustice of the social life in which he lived, and in which we live today. Burns knew, as all men of intelligence understand, that worldly goods are not, and never have been given as a reward of either brains or merit.

It's hardly in a body's power
To keep at times, frae being sour,
To see how things are shared;
How best o' chiels are whiles in want
While coofs on countless thousands rant
And ken na how to wair't.

The immortal singer of songs, and all his descendants, received infinitely less for all the works of his genius than an ordinary gambler often gets for one sale of something that he never owned, or one purchase of something that he never bought; and it is doubtful if all the masterpieces of the world in art, in literature, and in science, ever brought as much cash to those whose great, patient brains have carefully and honestly wrought that the earth might be richer and better and brighter, as has been often "made" by one inferior speculator upon a single issue of watered stock.

Living in the midst of aristocracy and privilege and caste, Burns was a democrat that believed in the equality of man. It required no books or professors, or theories to teach him the injustice of the social conditions under which the world has ever lived. Here, as elsewhere, he looked to the heart—a teacher infinitely more honest and reliable than the brain.

If I'm design'd yon lordling's slave,
By Nature's law design'd;
Why was an independent wish
E'er planted in my mind?

If not, why am I subject to
His cruelty, or scorn?
Or why has man the will and pow'r
To make his fellow mourn?

Preachers and authors and teachers, judges and professors and lawyers, have been employed for ages to teach the justice of slavery and the folly and crime of equal rights; but through all quibbles and evasions, this question of Burns, straight from the heart, as well as the head, shows that all these excuses are but snares and cheats. The voice of the French Revolution could not fail to move a soul like that of Robert Burns. This great struggle for human liberty came upon the world with almost the suddenness of an earthquake, and with much of its terrors, too. Here the poor and the oppressed felt the first substantial hope for freedom that had pierced the long, dark centuries since history told the acts of men. To the oppressors and the powerful, who hated liberty then as they ever have, before and since, it was a wild, dread threat of destruction and ruin to their precious "rights." When the struggle commenced, Burns was enjoying the munificent salary of fifty pounds a year as a whisky gauger in the village of Dumfries. He had already spent a winter in Edinburgh, and had been feted and dined by the aristocracy and culture of Scotland's capital without losing his head, although at no small risk. An acquaintance and entertainer of the nobility and an incumbent of a lucrative office, there was but one thing for Burns to do; this was to condemn the Revolution and lend his trenchant pen to the oppressor's cause; but this course he flatly refused to take. He openly espoused the side of the people, and wrote the "Trèe of

Liberty," one of his most stirring songs, in its defense.

Upon this tree there grows sic fruit,
  Its virtues a'can tell man;
It raises man aboon the brute,

  It mak's him ken himsel' man.
Gif ance the peasant taste a bit,
  He's greater than a lord man.

King Louis thought to cut it down
  When it was unco sma' man;
For this the watchman cracked his crown,
  Cut aff his head an' a' man.

Even these words are not strong enough to express his love for natural liberty and his distrust of those forms and institutions which over and over again have crushed the priceless gem they pretend to protect.

A fig for those by law protected!
  Liberty's a glorious feast!
Courts for cowards were erected,
  Churches built to please the priest.

Even higher and broader was Burns' view of equality and right. He stood on a serene height, where he looked upon all the strife and contention of individuals and states, and dreamed of a perfect harmony and universal order, where men and Nations alike should be at peace, and the world united in one grand common brotherhood, where the fondest wish of each should be the highest good of all. These beautiful, prophetic lines seem to speak of a day as distant now as when Burns wrote them down a hundred years ago. But still, all men

that love the human race will ever hope, and work, and say with him:

Then let us pray that come it may,
As come it will for a' that,
That sense and worth, o'er a' the earth
May bear the gree, and a' that;
For a' that, and a' that,
It's coming yet, for a' that,
That man to man, the warld o'er,
Shall brothers be for a' that.

It is perhaps as a singer of songs that the literary fame of Burns will longest be preserved. No other poet has ever breathed such music from his soul. His melodies are as sweet and pure as the bubbling spring; and as natural and spontaneous as ever came from the throat of the nightingale or lark. These songs could not be made. The feeling and passion that left his soul bore this music as naturally as the zephyr that has fanned the strings of the Aeolian harp. The meter of these songs was not learned by scanning Latin verse, or studying the dry rules that govern literary art, but it was born of the regular pulse beats, which in the heart of Nature's poets are as smooth and unstudied as the rippling laughter of her purling brooks.

John Anderson, my jo, John,
When we were first acquent,
Your locks were like the raven,
Your bonnie brow was brent;
But now your brow is beld, John,
Your locks are like the snow;
But blessing on your frosty pow,
John Anderson, my jo.

John Anderson, my jo, John,
We climb the hill tegither,

And mony a canty day, John,
We've had wi' ane anither;
Now we maun totter down, John,
But hand in hand we'll go,
And sleep tegither at the foot,
John Anderson, my jo.

Although a plow boy and surrounded by the grime and dirt that comes from contact with the soil, still even here Burns found material for music and poetry that will live as long as human hearts endure; for, though the sky may be warmer and bluer on the Mediterranean shore than where it domes the Scottish hills and crags, still the same heaven bends above them both, and the same infinite mysteries are hidden in their unfathomed depths. The tragedy of death is alike, whether defying the power of a Prince, or entering the home of the humblest peasant to bring the first moments of relief and rest. The miracle of life, whether wrought by Nature on the rich couch of the Queen or the unwatched pallet of the peasant, is the same mystery, ever new, ever old, appealing ever to the heart of man. The affections and passions,—those profound feelings that Nature planted deep in the being of all sentient things, and on whose strength all life depends,—these are the deepest and purest as we leave the conventions and trappings of the artificial world, and draw nearer to the heart of the great Universal power. With the sky above, the fields around, and all Nature throbbing and teeming with pulsing life, but one thing more was needed to make harmony and music, and that was Robert Burns.

The old story of human love was sung by

him a thousand times and in a thousand varying moods, as never love was sung before. It mattered not that his melodies breathed of rustic scenes, of country maids, and of plain untutored hearts that beat as Nature made them feel, unfettered by the restraints and cords of an artificial life. Transport his Mary to a gorgeous palace, and deck her fair form with the richest treasures of the earth and bring to her side the proudest noble that ever paid homage to a princess, and no singer,—not even Burns himself,—could make a melody like the matchless music that he sung to Highland Mary.

How sweetly bloom'd the gay green birk,
  How rich the hawthorn's blossom;
As underneath their fragrant shade,
  I clasp'd her to my bosom!

The golden hours, on angel wings,
  Flew o'er me and my dearie;
For dear to me as light and life
  Was my sweet Highland Mary.

All the conventions and baubles and spangles which fashion and custom use to adorn the fair could only have cheapened and made vulgar the rustic maiden that moved Burns' soul to song.

These sweet lines could never have been written of any but a simple country lass, whose natural charms had moved a susceptible human heart:

I see her in the dewy flowers,
  I see her sweet and fair;
I hear her in the tunefu' birds,
  I hear her charm the air;

There's not a bonnie flower that springs
By fountain, shaw, or green,
There's not a bonnie bird that sings,
But minds me o' my Jean.

Who was this Burns that sang these sweet songs and whose musical soul was stirred by every breeze and moved to poetry by every lovely face and form that came within his view? Biographers and critics and admirers have praised the genius and begged excuses for the man. Without asking charity for this illustrious singer, let us view him in the light of justice, exactly as he was. It is not difficult to understand the character of Robert Burns. His heart was generous and warm and kind; his mind was open as the day, and his soul was sensitive to every breath that stirred the air. These qualities have made the poet loved in every land on earth, and brought more pilgrims to his grave than were ever drawn to the tomb of any other poet or author that has ever lived and died. And yet the short-sighted, carping, moralizing world, with solemn voice and wisdom ill-assumed, has ever told how much better and holier he could have been and should have been. Poor, silly, idle world, can you never learn that the qualities that make us strong must also make us weak; that the heart that melts at suffering and pain is made of clay so sensitive and fine as to be moved and swayed by all the emotions of the soul? Would you serve the weak, the suffering and the poor—would you calm their fears and dry their eyes and feel with them the cruel woes of life—you must wear your heart upon

your sleeve, and then of course the daws will peck it into bits. Would you keep it safely hidden from the daws, you must hide it in a breast of stone or ice and keep it only for yourself. Perhaps we may admire the man that walks with steady step along a straight and narrow path, unmoved by all the world outside. He never feels and never errs. But we cannot ask of either man the virtues that belong to both, and when our choice is made we must take the strength and weakness too.

We look at the mountain top, lifting its snow-crowned head high into the everlasting blue, and are moved with wonder and with awe. Above is the endless sky; below, the world with all its bickering and strife, the clouds, the lightning and the storm, but the mountain, cold, impassive, changeless, unmoved by all the world, looks ever upward to the eternal heavens above. Again we gaze on the peaceful, fertile lowlands, rich with their generous harvests yet unborn—beautiful with their winding streams and grassy fields, ever ready to bestow bounteously on all that ask, demanding little and lavishly returning all; and we love the quiet, rustic, generous beauty of the scene. The mountain is majestic and sublime, and the yielding, generous lowlands are beautiful and pleasing too. We love them both, but we cannot have them both at once and both in one.

Robert Burns, and all men like him that ever lived, were always giving from their generous souls. In the cold judgment of the world, Burns wasted many a gem upon the thought-

less, worthless crowd, who consumed a life he should have spent for nobler things. But the flower that never wastes its fragrance has no perfume to give out. If it is truly sweet, its strength is borne away on every idle wind that blows. Robert Burns with lavish bounty shed his life and fragrance on every soul he met. He loved them all and loved them well: his sensitive, harmonious soul vibrated to every touch, and moved in perfect harmony with every heart that came within his reach. The lives of men like him are one long harmony; but as they pass along the stage of life, they leave a trail of disappointed hopes, and broken hearts, and vain regrets. But of all the tragedies great and small that mark their path, the greatest far and most pathetic is the sad and hopeless wreck that ever surely falls upon the exhausted artist's life.

The life of Burns was filled with wrecks—with promises made and broken, with hopes aroused, and then dashed to earth again. It was filled with these because one man cannot give himself personally to all the world. The vices of Robert Burns perhaps like those of all the rest that ever lived, were virtues carried to excess. Of course, the world could not understand it then, and cannot understand it now, and perhaps it never will, for slander and malice and envy, like death, always love a shining mark. The life of Burns and the life of each is the old Greek fable told again. Achilles' mother would make him invulnerable by dipping him in the river Styx. She held him by the heel, which remained unwashed

and vulnerable, and finally brought him to his death. To whatever dizzy height we climb, and however invulnerable we seek to be, there still remains with all the untouched heel that binds us to the earth. And after all, this weak and human spot, is the truest bond of kinship that unites the world.

I look back at Robert Burns, at the poor human life that went out a hundred years ago, and study its works to know the man. I care not what his neighbors thought; I care not for the idle gossip of an idle hour. I know that his immortal songs were not born of his wondrous brain alone, but of the gentlest, truest, tenderest heart that ever felt another's pain. I know full well that the love songs of Robert Burns could have come from no one else than Robert Burns. I know that even the Infinite could not have changed the man and left the songs. Burns, like all true poets, told us what he felt and saw, and it is not for me to ask excuses for this or that; but rather reverently to bow my head in the presence of this great memory, and thank the infinite source of life for blessing us with Robert Burns exactly as he was.

It is difficult to understand our own being; it is impossible to know our fellow man's, but I have faith to think that all life is but a portion of one great inclusive power, and that all is good and none is bad. The true standard for judging Burns and all other men is given by Carlyle, and I cannot refrain from borrowing and adopting what he says:

"The world is habitually unjust in its judg-

ments of such men; unjust on many grounds, of which this one may be stated as the substance: It decides, like a court of law, by dead statutes; and not positively but negatively, less on what is done right than on what is or is not done wrong. Not the few inches of deflection from the mathematical orbit, which are so easily measured, but the ratio of these to the whole diameter, constitutes the real aberration. This orbit may be a planet's, its diameter the breadth of the solar system; or it may be a city hippodrome; nay, the circle of a gin-horse, its diameter a score of feet or paces. But the inches of deflection only are measured; and it is assumed that the diameter of the gin-horse and that of the planet will yield the same ratio when compared with them! Here lies the root of many a blind, cruel condemnation of Burns, Swift, Rousseau, which one never listens to with approval. Granted, the ship comes into harbor with shrouds and tackle damaged; the pilot is blameworthy; he has not been all-wise and all-powerful; but to know how blameworthy; tell us first whether his voyage has been around the Globe, or only to Ramsgate and the Isle of Dogs."

Robert Burns has been dust for a hundred years, and yet the world knows him better now than the neighbors that lived beside his door. I look back upon the little village of Dumfries,—not the first or the last town that entertained angels unawares. I see poor Robert Burns passing down the street, and the pharisees and self-righteous walking on the other side. The bill of indictment brought

against him by the Dumfries community was long and black; he was intemperate, immoral, irreligious, and disloyal to the things that were. The first two would doubtless have been forgiven, but the others could not be condoned. And so this illustrious man walked an outcast through the town that to-day makes its proudest boast that it holds the ashes of the mighty dead, who in life was surrounded by such a halo of glory that his neighbors could not see his face.

A hundred years ago Scotland was held tightly in the grasp of the Presbyterian faith. Calvinism is not very attractive even now, especially to us that live and expect to die outside its fold, but even Calvinism has softened and changed in a hundred years. Burns was too religious to believe in the Presbyterian faith, and to the Scotch Covenanter there was no religion outside the Calvinistic creed. How any man can read the poetry of Robert Burns and not feel the deep religious spirit that animates its lines is more than I can see. True, he ridicules the dogmas and the creeds that held the humanity and intellect of Scotland in their paralyzing grasp; but creeds and dogmas are the work of man; they come and go; are born and die; serve their time and pass away; but the love of humanity, the instincts of charity and tenderness, the deep reverence felt in the presence of the infinite mystery and power that pervade the universe, these, the basis of all the religions of the earth, remain forever, while creeds and dogmas crumble to the dust.

Scotland of a hundred years ago measured Burns' religion by "Holy Willie's Prayer," "The Holy Fair," and kindred songs. The world a hundred years from now will not make these the only test. Dumfries and all the Unco' Guid of Scotland could not forgive Burns for writing:

O Thou wha in the heavens dost dwell,
Wha, as it pleases best thysel',
Sends ane to heaven and ten to hell,
A' for thy glory,
And no for ony guid or ill
They've done afore thee!

I bless and praise thy matchless might,
When thousands thou hast left in night,
That I am here afore thy sight,
For gifts an' grace,
A burnin, and a shinin' light,
To a' this place.

Lord, hear my earnest cry an' pray'r,
Against that presbt'ry o' Ayr;
Thy strong right hand, Lord make it bare
Upo' their heads!
Lord, weigh it down, an' dinna spare,
For their misdeeds.

But, Lord, remember me and mine
Wi' mercies temp'ral and divine,
That I for gear and grace may shine,
Excell'd by name;
And a' the glory shall be thine,
Amen, Amen.

It was not enough that Robert Burns taught a religion as pure and gentle and loving as that proclaimed by the Nazarene himself. Its meaning and beauty and charity were lost on those who would not see. Long ago it was written down that, "Inasmuch as ye have done it unto one of the least of these my brethren,

ye have done it unto me." If this is any test of a religious life, then few men will stand as high in the great beyond as Robert Burns. This poor poet has melted more hearts to pity and moved more souls to mercy, and inclined more lives to charity than any other poet that ever dreamed and sung. Not men and women and children alone were the objects of his bounteous love and tender heart, but he felt the pain of the bird, the hare, the mouse, and even the daisy whose roots were upturned to the biting blast. Hear him sing of the poor bird for whom he shudders at the winter's cold:

Ilka hopping bird, wee helpless thing
That in the merry month o' spring
Delighted me to hear thee sing,
  What comes o' thee!
Where wilt thou cow'r thy chilling wing
  And close thy ee?

Few men that ever lived would stop and lament with Burns, as he shattered the poor clay home of the field mouse with his plow. No matter what he did; no matter what he said; no matter what his creed; the man that wrote these lines deserves a place with the best and purest of this world or any other that the Universe may hold.

Wee, sleekit, cow'rin, tim'rous beastie!
O, what a panic's in thy breastie
Thou need na start awa sae hasty,
  Wi' bickerin' brattle;
I wad be laith to rin an' chase thee,
  Wi' murd'ring prattle?

In a world which still enjoys the brutal chase, where even clergymen find pleasure in inflicting pain with the inhuman gun and rod, these

lines written a hundred years ago, on seeing a wounded hare limp by, should place Burns amongst the blessed of the earth:

> Inhuman man! curse on thy barb'rous art,
> And blasted be thy murder-aiming eye;
> May never pity sooth thee with a sight,
> Nor ever pleasure glad thy cruel heart!
> * * * * * * *
> Oft, as by winding Nith I musing wait
> The sober eve, or hail the cheerful dawn,
> I'll miss thee sporting o'er the dewy lawn,
> And curse the ruffian's aim, and mourn thy
> hapless fate.

This was Robert Burns,—and yet Dumfries, which held this gentle soul within its walls, and the Protestant world of a hundred years ago, looked at John Calvin piling the faggots around Servetus' form, and knelt before him as a patron, religious saint, while they cast into outer darkness poor Robert Burns with his heart bowed down at the suffering of a wounded hare.

Will the world ever learn what true religion is? Will it ever learn that mercy and pity and charity are more in the sight of the Infinite than all the creeds and dogmas of the earth? Will it ever learn to believe this beautiful verse of Robert Burns:

> But deep this truth impressed my mind,
> Through all his works abroad;
> The heart benevolent and kind,
> The most resembles God.

Will the world ever learn when it prays, to pray with Robert Burns, as man has seldom spoken to the Infinite, in whose unknown hands, we are as bubbles on the sea; to the

great power, which sends us forth into the darkness to stagger through a tangled maze for a little time and then calls us back to sleep within its all-embracing heart.

O thou, unknown, Almighty Cause
Of all my hope and fear!
In whose dread presence, ere an hour,
Perhaps I must appear!

If I have wandered in those paths
Of life I ought to shun;—
As something loudly in my breast
Remonstrates I have done;—

Thou know'st that Thou hast formed me
With passion wild and strong;
And list'ning to their witching voice
Has often led me wrong.

Where human weakness has come short,
Or frailty step aside,
Do thou, All Good?—for such thou art
In shades of darkness hide.

Where with intention I have err'd,
No other plea I have
But, Thou art good! and goodness still
Delighteth to forgive!

Dear Robert Burns, to place one flower upon your grave, or add one garland to your fame is a privilege indeed. A noble man you were, knighted not by King or Queen, but titled by the Infinite Maker of us all. You loved the world; you loved all life; you were gentle, kind and true. Your works, your words, your deeds, will live and shine to teach the brotherhood of man, the kinship of all breathing things, and make the world a brighter, gentler, kindlier place because you lived and loved and sung.

GEORGE BURMAN FOSTER

[A Memorial Address by CLARENCE DARROW
Garrick Theater, Chicago, Sunday, Jan. 12, 1919]

It is hard to realize that George Burman Foster is dead. Even now, on this platform, where I have so often met him in debate, I feel that he will rise and speak; that I will see his tall frame and his Jove-like head—a beautiful head which shone as the light played around it and within it. He had the head of a god and the heart of a child.

Here we discussed the problems of life and death—and whether there was a purpose in it all. He said there was. But the answer is that George Burman Foster is dead and that his brain, today, is less potent than the puny babe's; that all that was stored within during a long and useful life, is dead.

Nature has found no way of passing the genius or character or learning of one generation to another. Every child, whether sired by a philosopher or an idiot, comes into the world without a scrap of knowledge and with a brain of clay. It must learn the whole lesson of life anew, the same as the first child that was ever born.

He and I debated the meaning of life. I remember hearing him say on this platform, in almost a burst of frenzy: "I am the captain of my soul!" But, George Burman Foster is dead! No man is captain of his soul; he is not even

a deck hand on a rudderless ship; he is a bubble cast up for an instant on an angry sea, then lost in the air and waves, to be seen no more.

I would not pretend to give his religious faith. He was puzzling; sometimes changeable, almost chimerical in his views; here and there perhaps not daring to follow his farthest thoughts as to faith and life and death.

I was at his memorial services some days ago in church. Theological gentlemen said that Foster was a religious man. I would not say that he was not. Whether he was, depends on the definition of religion. If religion means creeds and dogmas, he was not a religious man. If it means specific belief in a supreme being, he was not. If it means a firm conviction of immortal life, he still was not; but if it means infinite love, gentleness, charity and kindness to all living things, George Burman Foster was the most religious man I ever knew!

He sometimes seemed to me to hold fast to things of which his judgment did not approve. I have often heard him say from this platform—that the function of faith began where reason ended; that because you could not prove a thing, was the real reason for faith and he tried to cling fast to faith where reason could not aid. To me, this statement is without foundation in philosophy or fact. If faith could be bought like a suit of clothes, we might choose our faith. But it comes from some conviction; and to me, at least, it cannot be an act of will.

Of course, he believed in no personal god. But, if there is no personal god, there is no

god; and if there is no personal immortality, there is no immortality.

No man could quarrel with him as to his convictions. He was so tender and kindly, even to those with whom he disagreed, that often he left you with a belief that he felt and thought as you felt and thought. He was the fairest man in his attitude of mind that I ever knew. I seldom met him in debate that I did not afterwards apologize for something that I had said wherein I thought the lawyer had overcome the man. But, I can never remember the time where I thought any apology was due from him for any statement that was not absolutely fair and just. In fact, I used to think that he ought never to debate. His mind was so fair, so free that he knew there was no theory that could be proven true.

He knew that reason was as feeble as religion; and he knew that truth has many sides and many angles. He could state his opponent's side as fairly as he could his own, and when he had stated the question for debate, he had put my side as well or better than I could have stated it myself. A philosopher cannot be a partisan, and, of course, a partisan cannot be a philosopher. A Catholic, a Methodist, a Christian Scientist, a Socialist, or a Single Taxer, cannot be a philosopher. If he could be, he would understand the uncertainty of truth, the relationship of all things, the differences that all men give to values, the many-sidedness of the human mind and human things, and he never could content himself with one corner of the universe or one small creed.

George Burman Foster above all other things was an intellectual man and a philosopher; he could neither take sides with the religionist nor the rationalist, because he knew that religion furnished no means for getting at the truth. He likewise knew that the human intellect had left man just as he was born, with no chance to get at the eternal things of life. But, he did believe that the human feelings, emotions and intuitions of man are truer guides than religious systems or mental conclusions.

He was the wisest man that it was ever my fortune to know intimately. And in many ways, I never had a friend whom I will miss as much. When I talked with him on philosophy, I was always sure of a free, open discussion, and I always knew when he had finished that he had said the last word that could be spoken; that he said it openly, fairly, freely and with no bias of any sort. I never knew a man who could do this as Foster did.

I remember the last discussion I had with him. It was not a dispute, but one of those talks that men at our time of life have with each other, which we withhold more or less from the public. It was on the old time riddle: "If a man die, shall he live again?" As to what death meant and its deep importance to the world and the human race; how in every religion, the joy of life was overshadowed by the fear of death. On this he had no conviction. He had hope and he never gave it up. I am glad for him that he never gave it up, for life is hard to all; if there is any hope or dream or illusion, true or false to which man can cling, he

should cherish that hope or dream or illusion while he can. Death is the ever-present thing, and the thoughtful man with all his longings cannot blot it out.

For me I cannot go beyond the facts; and the lines of the "Shropshire Lad" tell how I feel:

"With rue my heart is laden
For golden friends I had,
For many a rose-lipt maiden
And many a lightfoot lad.
By brooks too broad for leaping
The lightfoot boys are laid;
The rose-lipt girls are sleeping
In fields where roses fade."

At a time like this, the mortality of things is brought home to all and there is no chance to close our eyes. When one so near and dear is gone, the calamity has a personal tinge. It is as though you were standing by one in the trenches and a bullet, meant for you, had taken him.

George Burman Foster was one of the rarest men I ever knew. He was tolerant to all who lived. He was as broad as the human mind, and, what is better, as the human sympathies could make him. He had no use for any of the creeds that bind, and fetter man. He believed in freedom. He believed that the greatest thing was to be an individual and to live your own life unafraid. He was impatient of all those reformers who tell men what they must do and what they must not do. He did not believe in reforming by fear. He aroused the ire of the Prohibitionists because he said that a man should not be sent to jail for choosing what he should eat or drink. He would rather

a man lived free and wrong, than to be bound to the right. He knew that no man could be good unless he had a chance to be evil. And that without the actions of men at least seeming to be free, there could be no good conduct and no bad. He believed that men should make their own mistakes and blunders, and that their bodies and souls should be left unchained.

Few men who were ever born lived so bravely, thought so fearlessly, were so tolerant and kind and charitable to all, as our dead friend. As a philosopher, I never knew his equal. He had an intimate acquaintance with the works of all the great thinkers of the world. If he had never studied any books, he would have been a philosopher just the same. He had the habit of going to the bottom of every kind of teaching. He had a way of balancing one thing against another and trying to find out which after all was best and how far the mind could go before it reached the end of human knowledge.

There were things that he hated. You cannot love without hating, and he was not a colorless man; he had opinions on almost everything, but did not always offend you by stating them, nor did he always please you by giving them. I remember hearing him talk about a Prohibition procession that went down Michigan Avenue. He read the sign, "Down with Rum" on a banner and remarked: "Why is it in this Christian world, that you could not get a procession and have a banner that would say: 'Down with Anger,' or 'Down with Back-biting', or 'Down with Bearing False Witness

Against Your Neighbor', or 'Down with Nagging', or 'Down with Unkindness and Up with Charity or Love.' You could not get a dozen people in Chicago to march behind banners like that!" And, you could not.

Our friend taught us many lessons. He has given us the example of his great life. He was a joy to us while he lived and his memory will abide with most of us until the end. Yet he is dead, and I cannot reconcile it with any belief in the purpose of the universe. Talk of Omnipotence and the goodness of God, and I must answer: George Burman Foster is dead!

I have seen much of life and death. When useless men are saved and priceless ones like him lost to the world, I am not in harmony with the idea of eternal justice and a benign power. Life and death are facts and that is all. No mummery or ceremony can make death anything but death.

"There sun nor star shall waken,
  Nor any change of light;
Nor sound of water shaken,
  Nor any sound or sight.

Nor wintry leaves nor vernal
  Nor days nor things diurnal,
Only the sleep eternal,
    In an eternal night."

Is there any real hope in it all? I see little for those who feel and think. Housman gives us the only fleeting ray of light that life holds out to man. This he puts on the lips of his Shropshire Lad:

"Loveliest of trees, the cherry now
Is hung with bloom along the bough,

And stands about the woodland ride
Wearing white for Eastertide.

"Now, of my threescore years and ten,
Twenty will not come again,
And take from seventy springs a score,
It only leaves me fifty more.

"And since to look at things in bloom
Fifty springs are little room,
About the woodlands I will go
To see the cherry hung with snow."

We have emotions and feelings, and all that is left for us, is to go and see "the cherries hung with snow". Get what you can—get it kindly—because it is the best—but get it while the day is here for the night comes on apace. I can see no other philosophy of life and no other hope in it.

This is no great consolation for Foster's death. It is little for me who loved him as I seldom loved any other man. It seems to me that in the spring the grass and leaves will never be so green again; that summer will lose the golden hues that mark the ripening grain; that autumn leaves no more will have the old time glorious tints of red and brown. The winter will be longer and colder, and the summer be shorter now that he is dead. The stars in heaven will never shine so bright again. The day will lose its old time glory. The sun will fade faster, the twilight fall quicker, and the night close deeper since he is dead!

SOME PARAGRAPHS ADDRESSED TO SOCIALISTS

I would say that the ordinary Socialist—the ordinary Socialist; I do not mean Karl Marx or Trotsky—I mean the one, the one out of the million of the fellows who used to vote the Socialist ticket in the United States. I mean the ordinary one; they lay too great emphasis upon bread and butter, and they have taken their particular dope as containing the whole meaning of life; whereas, there are more things in the world than bread and butter, and a man must labor under some delusion if he thinks that he can live by bread alone. He can't, even if he throws in beefsteak. To the ordinary Socialist, as shown by all of his talk, and by all of his writing, the one great evil in the world is the lack of a practically equal distribution of property; or, at least, if property was fairly divided the world would be saved; and then we would all be happy.

Now, let's see what Socialism really is. To me, Socialism is a theory of political action, and economics. To you, Socialism is a religion, just a pure unadulterated dope. Now, let's see if I can prove it so that everybody will understand it excepting the Socialists. If I can I am satisfied.

Most all the Socialists I ever knew believe that this is a universe of law. They do not believe in a personal God, or any other, and I am not disputing on that question. Of course

they have certain patron saints, among whom is Karl Marx; and that does not bother me. They are materialists. They believe that when a man is dead he is dead all over.

Of course there is a certain sect which call themselves Christian Socialists, but I never saw any of them. I never saw any Socialist who could be a Christian, or any Christian who could be a Socialist. Because either dope is enough to fill anybody. If a man is drunk on whisky he does not need morphine. If he has morphine he does not need whisky.

The great mass of Socialists are materialists. The great mass of them are possessed of considerable intellect. I am not joking now. Of course I am not comparing you with myself, but I am comparing you with the common herd. And this is the reason I say you are intellectual.

You believe in the cooperative commonwealth; in a world where everything shall belong to everybody and nothing belongs to nobody; and I don't object to that. Of course this is rather a short definition of Socialism, which perhaps you could quibble over, but I am just putting it short.

Anyhow you believe in the cooperative commonwealth, where the product of every man will be dumped into the common pot, and each fellow draw out according to the amount of work he has done, or according to his needs.

Well, I shall not quarrel over that. I can imagine a state of society where a man's best title to property would be that he needed it, and as all of the laws in reference to property

are purely arbitrary, why, perhaps that would be as good as any. But I will state this, that no intelligent Socialist believes that any such state of society will come in the next ten generations. I am speaking of intelligent Socialists.

You believe in a state of society where the lowest strata of society will control the upper, and where all of us intellectuals will have to go to work, or starve.

Well, I am willing to take a chance on that. I am willing to starve. I don't agree that when we have Socialism work will be play, because when work is play, then it is not work. The distinguishing thing about work is that you do not want to do it. And when some sort of condition of psychology, or Socialism, makes it just as much fun to saw wood as to play golf, then sawing wood will no longer be work; but so far as we can see work will always be work, and I don't want it. . . . .

Now, so far as Socialism affects your life today, it is because it is a dream, an idealism, a religion, nothing else. Why, I have known Socialists—some of them I see around me today—fathers in Israel, good fellows, they haven't been awake since I knew them. They never will awaken. They will die in their sleep. I don't object to it. I am glad of it. That is a fine way to die, and it is a bully good way to live. I don't object to it. But what I do say is this: that they are living upon an ideal; they are living upon a theory; they are living upon a dream; they are living upon a religion; they are taking dope. It has no relation to

actual, physical life. It is purely to them imaginary, and yet you are living on it now, and life perhaps is mostly an ideal. You are living on it, and you are dreaming of it, and wherever there is any human being who can live his life and get pleasure out of the dream that some day Socialism and justice will rule on the the earth, I say all right, go to it.

Practical Socialism is not a political theory; it is a religious doctrine. You are living upon religious dogma, just the same as the Christian Scientists are living on religious dogma. You are living on a narrow, sectarian doctrine, just as the Methodist is living on a narrow, sectarian doctrine; and when you look at a man with that far-off, dreamy look, and say, "Are you a Socialist?" it is just exactly the same as the liquid stare of the Salvation Army lassie, who looks into your eyes and says, "Do you love Jesus?"

Now, I am not quarreling with it. All I can say for myself is, that dope does not work on me. It is not enough. There are too many things in heaven and in earth—especially in the earth—for me to get fat over the thought that a thousand years from now the cooperative commonwealth will come. It is pure dope, so far as it affects the present-day life of any Socialist, and if you can live on it, well and good. It may cure the Socialists, but it won't cure the world. It may save those who take it; but suppose the Socialists came into power and would pass a law that it should be taken by the Christian Scientist, do you think it would save them? Or take the agnostics, or different people who

are awake, do you suppose if you would pass a law to that effect it would cure them, or save them? No. It will save those who can take it, and who can live on it, and that is all.

Let's see about this saving the world. Now, I am willing to concede for the sake of the argument, so my friend won't have too hard a job, that some time far in the future the world may evolve a state of society where everybody's highest good will be to see to the general good; and where he will be willing to dump his earnings and take pot luck with the rest; and, broadly speaking, that is a very good definition of Socialism; although some of you may not say I understand it. Perhaps I don't, but I am willing to concede that some time that will come; and, of course, I am willing to concede that it would be a higher state of society than the present catch-as-catch-can state of society that we live in now. Take all of that; but are we to be happy then? Is it the unequal distribution of wealth that is the greatest evil in the world? Is that the greatest question that can fill your mind? Is it the highest idealism that some time there will be an equal distribution of wealth? I think not.

Now, everybody knows himself better than he does anybody else. At least he ought to. He might try not to, but he ought to. So, I will take myself for an example, and assume that the rest of you are the same way—which you are not. For thirty years I suppose I have had more money out of this crazy patch-work system than I could have had out of a co-operative commonwealth. I would have been

behind if I had dumped my earnings—or rather my gettings. I want to convince you that I am a real Socialist. I would have been behind if I had dumped these into the common mass, and taken out my per capita share; and yet I have always been more or less a Socialist. The capitalists say I have been more; the Socialists say I have been less. So I have been more or less. But I have always been willing to dump them in; at least, I have said so. It was so far away I didn't see any great danger. And I have had probably two or three times as much money and as much food, clothes, to say nothing about other things, as I would have been able to get had I taken pot luck with the rest. And yet, I have not been happy.

Now, what's the matter? Why haven't I been happy? Why, I have had more than I could possibly get under the cooperative commonwealth. I have had plenty to eat. One thing that made me unhappy sometimes was too much to eat. I have had plenty to eat. I have had plenty of clothes to wear; I have had a good house and I have been able to have some luxuries that I could not have had under the cooperative commonwealth, and still I am not happy. In fact, I am not sure that I am any happier than I was when I had very much less; and that is not due to age, because age does not make me less happy. In fact, it makes me more reconciled, because I know I won't have to stick around so long.

The reason I am not perfectly happy is because the bread and butter question is not the whole of life. In fact, when we get that settled,

we think it is no part of life. I still am able to have debts. While I can get money I can buy gold bricks with it, and fool it away. I am still able to look around and find people that are better off than I am and to want something else; and then the real things in life that worry me, I have not touched at all, and money cannot reach them. They are these simple things which lurk in the human mind more than the body; they are the everlasting questions which, after all, affect men more than anything else.

You Socialists here today talk about Socialism. If there was somebody in the next block that could show the people by an absolute demonstration that they were going to live forever nobody would be interested in Socialism for a single moment.

Those eternal problems of life and death are so much bigger than all the economic problems that nobody would think of the economic problems if there was any solution for them; and so, if you people are going to take dope, and can choose your dope, choose religious dope, it is bigger, it will go farther, because Socialism at the best can only affect a very short time, whereas religious dope can affect eternity.

Of course I have been happy at moments; I have had my—not my lucid intervals—but my illucid intervals when I was happy. If my lucid intervals only would not come back, I would be happy all the time; but they keep coming back.

There are a lot of things that annoy me. There are the misfortunes of others. Now, you

Socialists say, "Well, if we had Socialism they would not have misfortunes." Oh, yes, they would. They would have cancers, and I would rather be as poor as the average working man —who, by the way, is not a Socialist—he is just a working man. You people are just kidding yourselves into believing that you work. You are Socialists. I would rather be as poor as the average working man than to have a cancer, or tuberculosis, or any of the physical troubles which are the common lot of common men; and yet, when I look around me, I see that from the nature of things nobody can be happy very long, and I could not be happy even if I lived in Mrs. Potter Palmer's house. By the way, she is dead now, although she lived in a good house. I am not specially mentioning her name, but the house occurred to me.

Of course one thinks that these material things in life are the things that count; but they do not count. About as soon as a man gets everything fixed up and builds himself a fine, new house, the first great function he attends there is his own funeral.

My troubles in this world have never had any connection with food, except I have had too much of it. It might here and there give me the gout; and you poor people are lucky because you don't have the gout. They are the miseries and troubles inherent in life that Socialism can't cure. They are the everlasting annoyances that are present all the time.

The mosquitoes bother me. The reformers. The gossips; all kinds of fool people that look after other people's business; and they will

have more time when we get Socialism, for then they won't have anything else to do.

Then there are those people who are my pet aversion, the Prohibitionists. They bother me. And that kind of people never stop. Why, just the other day when I saw that the prohibition amendment had carried in the United States, I said to myself, "Well, all right, I am glad of it; we will get rid of the Prohibitionists." Then I picked up the papers the next day, and I found they had started on a crusade to make the world dry. I found we had got Prohibition, and I looked in the paper and found we still had the damn prohibitionists.

So what are you going to do about it? Nothing. You know happiness is a mental condition. To quote Karl Marx, "The Kingdom of Heaven is within you." Any kind of dope that will work on you will save the world for you. It saves it by its effect on you, that is all. It can't be saved by external medicine, or internal medicine. You can only do it by some delusion or hallucination, which takes possession of you, and by which you live; and whether it is Christian Science, or Single Tax, or Theosophy, or Free Silver, or Socialism, it all accomplishes the same result. . . .

Is Socialism in its organized form coming in this day and generation?

Now, there are a lot of you who honestly think so. I would not object if it did. But to say that it can is to deny all human history, and all that man can learn of science, and of life. The human race cannot be made over in a generation.

The rich men, if intelligent—and most of them are not—they are not afraid of any immediate Socialism in the world; they are not afraid of a general state of anarchy and disorder, such as is sweeping over the world today. Now I don't stand with them on that question. I am neutral. Anything is better than peace. They were just as afraid of the French Revolution. Socialism was not born out of the Revolution. Something better no doubt came out of it, but the dream of Socialism, no.

Why, you could not get a Socialist government that could stand together twenty-four hours. Now, you ask me who could understand this question better, a capitalist who was a part of it, or the working man who was a part of it, or I, who am looking on? I tell you I, and you Socialists don't seem to know that you could not get a Socialist government that would hang together. Every blooming one of you is an orator, and a boss, and you would not be satisfied to let anybody else have anything to do with it. Not for a minute. It is like the French Revolution. When I read the story the thing that impressed me was not that they cut off the heads of the noblemen, but they wound up the job by cutting off each other's heads.

Change does not come that way. It may be an element in it, but you put a brand new party, Socialism, down on the earth, according to program, and it would last just about as long as a snowball—no longer. It takes men women, ideas—and those are of slow development and slow change, and slow growth; and they don't come out of theories, and political orators.

Anarchism-

Patriotism Through Education Series

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THE WAR

Address by

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Noted Labor Lawyer

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LADIES AND GENTLEMEN:

The pro-German is fond of carrying back the causes of this war until they are lost in the mists of doubt. It is of little use to go back to the fall of Babylon or the Fall of Man. No doubt every fact in this world is linked with every other fact, and the fall of Babylon had some influence upon the Great European War. But this influence is so remote and uncertain that it is not a proper topic of discussion in a busy world in which the human race has not eternity at its disposal.

In fixing the responsibilities, it is of little value to delve far into the past. No doubt all countries have been aggressors, and the history of none of them can be defended in all their acts. Still the fact remains that in the summer of 1914 Europe was at peace. Fifty years before, Germany had wrested Alsace-Lorraine from France. However, reluctant, France had accepted the situation, and the lines of the great countries were well established and had remained so for years. On the 28th of June, 1914, an Austrian prince and princess were killed in Serbia. This murder grew out of political differences that were not new. The assassination of the prince and princess caused little comment in the world. The death of a prince to the most of us was no more than the death of any other man. Had it been a brakeman, it would probably have attracted the same attention, for a brakeman is of some service to the world, but a prince—is a prince. This incident seemed to have been forgotten until July 23, when Austria sent her demand to Serbia. At that time all Europe, except Austria and Germany, believed that any serious trouble over the death of a prince had passed. Even the Kaiser was absent in Norway secretly preparing an alibi for the most terrible assassination the world has ever known.

Serbia was an independent state, and this demand called on her to suppress all anti-Austrian propaganda and all Serbian papers hostile to Austria; to disband the national society, to dismiss teachers and officials connected with anti-Austrian propaganda and, lastly, to give up her own sovereignty and

become a vassal of Austria! The note gave Serbia forty-eight hours in which to yield up her independence to a foreign state! Immediately, England, France, Russia and Italy, feeling the impending danger, used every effort to prevent the striking of a match that should kindle a fire in Europe that might consume civilization itself! Austria and Germany alone refused to even negotiate for a settlement of the grave affair. Serbia at the urgent request of all the great nations in Europe, humiliated herself to the last degree. She accepted every demand except the one requiring her to be a vassal of Austria, and this she did not refuse but asked for more explicit instructions as to what Austria really wished. At once Austria commenced to mobilize to send her army into Serbia. Then, Russia, the big brother of all the Slavs, the natural protector of Serbia, served notice on Austria that she would protect Serbia. England called upon Germany to help settle the trouble over Serbia with Austria, and asked all the European nations to help, and all but Austria and Germany at once met the request of England and did their best to avert the impending calamity. At the last moment, on July 31st, Austria yielded to the pleadings and threatenings of Russia and Europe and consented to reopen the case. Thereupon, Germany spoke honestly for the first and last time, and demanded that Russia should cease her preparations for war within twenty-four hours or Germany would act.

"Responsibility Fixed."

The twenty-four hours passed by and Germany declared war on Russia. The whole responsibility of this war is fixed by the public documents that passed between the nations for the twelve days following the 23rd day of July. There is no excuse for any human being who wishes to be right to make the slightest mistake as to the responsibility for the present war. No sane person, not moved by blood, by sympathy or by hate, can doubt for a moment but what this war was made in Germany; and all the horrors of the great struggle are rightfully upon her head.

Almost in the twinkling of an eye, the mighty army of the Kaiser was mobilized, and, on the 2nd of September, reached Belgian soil. Germany had demanded that Russia demobilize, and on its refusal, declared war on Russia. But,

instead of sending her mighty army east to Russia, she sent it west through peaceful, defenseless Belgium, whose neutrality she had guaranteed.

The story of the first few days of this terrible struggle must be fresh in the minds of all. We remember how the world stood aghast at the impending calamity. We watched while Germany mobilized its vast army, the greatest machine for war that the world has ever known—a machine fifty years in the making, and thoroughly equipped to the last detail for its bloody work—the greatest instrument of force and violence and murder that the sun ever shone upon. We watched while this German army reached the Belgian border and asked the young, devoted, patriotic King of Belgium to let it pass in peace on its mad way to France. We heard King Albert reply: "Belgium is a nation, not a road." We watched this great, endless, living river of green-gray men moving on and on by day and by night, across little Belgium. We saw the soldiers and the civilians of that heroic country rise to the last man to meet this mighty host and hold it back until France could mobilize to save the liberties of the world. We watched this German army as it swept across Belgium and into northern France, laying waste provinces, burning cities, killing combatants and noncombatants, and, turning back upon a desolate country of ruined towns and villages, levy unconscionable tribute on the people that were left. We saw this army go through this peaceful land, singing as it went! A holiday picnic for the Prussian murder machine that had no thought that there was any power on earth that could compass its defeat.

This great Germany army is now slowly going back to the Fatherland, and the world cannot help rejoicing that the soldiers do not sing as they return! We watched this mighty host while the devoted French rallied to protect their native land, while England sent its "contemptible little army" to help. We watched them on their mad rush for Paris. We saw the French patriots rally, and under the great Joffre, turn back the invaders at the Marne. And the world rejoiced that for a time at least this blind and cruel force was stayed.

We listened to the boasting of the Kaiser as he urged his pawns to give their lives for the Fatherland! We listened

to his disgustingly familiar talks of God, as if God, too, was made in Germany. We heard him prate of his love for the Fatherland. He loved the Fatherland more than he loved his people. The Germans' talk of the Fatherland has a certain appeal for all. I respect it so deeply that I would be glad to see every able-bodied man outside Germany arm himself with sabre and gun and help drive the German army back to its beloved Fatherland.

"Felt Desperation."

After the defeat at the Marne, the German army dug itself in to prevent annihilation. A long series of indecisive months passed by until Germany felt the desperation of her case, and turned to the sea. Before this time England's fleet had driven the German ships from the ocean. Her men-of-war and ships of commerce had found safe refuge in her own and the neutral harbors of the world. There was only one way that she could make war on the seas and that was by the submarine. She built her submarines and sent them out on the ocean beneath the waves to attack ships of war and ships of commerce alike, and destroy them without a chance to save the life of a single human being, or to save a dollar's worth of property.

Germany knew about the sailing of the Lusitania from New York Harbor, a boat of commerce unarmed, and carrying some fifteen hundred passengers, more than one hundred and fifty American men, women and children, bound on a peaceful voyage which they had the right to take under all the rules of war. She watched this ship as it sailed out into the Atlantic and at the proper time she fired a torpedo, sinking the ship and giving no passenger or member of the crew a chance to save their lives. The civilized world stood aghast at this dastardly deed, while Germany decorated the commander of the submarine.

Letters and protests followed. Germany finally admitted this act and half-way promised that this unforgivable violation of the laws of humanity and the laws of war should not occur again.

Had an English submarine been guilty of such an atrocity, the American people with one voice would have cried for

war and no protest of Congress or the President could have held our hands. Germany's promises, like her guarantee of Belgium's neutrality, were made only to be broken. Again and again, she sunk neutral ships and destroyed American lives. Again and again our demands were made until finally Germany promised that no more ships should be sunk without giving passengers and seamen a safe place to land. For some time Germany kept her word, until finally in her desperation she served notice upon the United States, that after the first day of February, 1917, every boat, whether man-of-war or ship of commerce, whether bearing passengers or freight, should be sunk without notice and without a chance to save a human life. She, however, graciously granted the right of America to sail one ship a week to Europe, loaded in a certain way and going down a certain lane and painted in a manner designated by the German government. These rights Germany granted to a great, proud, free government upon the Atlantic—no, the German ocean. And yet, after the first day of February, there were men and women in America who said that we had no cause for war! Let us examine this question in the light of such International Law as we have, and in the light of such humanity as Prussia has left us after almost four years of war.

"Seas are Free."

The seas are the great highways of the nations. They are free for the trade and commerce of any lands whose shores touch the water. The United States has more coast line than any other nation. We are a commercial people, whose trade touches every country in the world; whose citizens travel to every port on earth, and have used the seas for commerce ever since America became an independent nation among the other countries of the earth. We were told by Germany that we could no longer sail the seas.

The attack of Germany upon the Lusitania and other ships of commerce was not warfare; it was murder and piracy upon the high seas. What was the duty of the United States? We were then an independent nation of one hundred million souls; stronger than, at least, twice over, than Germany; ten times richer than Germany; so far removed from Germany

that we did not need to fear it nor any land; and peopled by as devoted a band of men as ever rallied to protect the liberties of the world. We were not like Holland, a nation of five million people, under the Kaiser's heel. We were not like any neutral European state, defenseless, with the horrible example of Serbia, Belgium and Poland standing as a frightful lesson to those who might meet the wrath of Germany.

We were big enough and strong enough and safe enough to defend ourselves and help protect the people of the world. Had the United States been so craven as to meekly take orders from a foreign government, it would have lost the respect of every nation on the earth. For such a people, so besotted with the love of money, or so fond of luxury and ease, there could have been nothing in store but death. And, be it said to the honor and glory and idealism of America, that she accepted the gage of battle from the German empire and prepared to fight! There is no chance for intelligent people to be mistaken as to our duty and our right. The sea is free to every nation for its commerce and its trade, subject only to the rights of belligerent nations to declare a blockade to decide what shall be contraband goods, to detain boats, search them for contraband and land the passengers and crew in a place of safety. Since piracy was driven from the high seas, no nation has ever claimed the right to destroy the life of non-combatants upon the ocean, without giving at least the last right which belongs to all, the right of surrender. But Germany decreed that the lives of men, the lives of women and the lives of defenseless babies might be taken to satisfy their mad thirst for power.

Pacifists and pro-Germans have freely criticised the President of the United States for leading his people into war. Had the President of the United States taken orders from the German Kaiser, he would have been unfaithful to his office, and unworthy of the respect and devotion of the great people whom he serves! It illy becomes any American to criticise the President in this great crisis. The United States never had a greater, wiser, more patriotic President than Woodrow Wilson, and it is for the people of the United States, not to condemn or criticise, but to support and uphold him in this, the greatest crisis of our nation's life! I say, without the slightest hesitation, that no human being, speaking as a man,

could defend the right of Germany to destroy non-combatant ships upon the high seas without offering a chance to save human life. And, I say again, as a lawyer, that under all the rules of international law, that Germany's submarine attacks were not warfare, but cold-blooded, premeditated murder, under the guise of war.

"Cause is Simple."

The cause of this war is so simple that a wayfaring man has no right to be deceived. We could have stood complacently by and have waxed still richer out of the miseries of suffering countries in the defense of their sacred rights. But, instead of that, we have joined the rest, to fight in a sacred cause. Although we were slow and reluctant to do our part, still, America has drawn the sword, and that sword will not be sheathed until Prussian militarism shall be destroyed. We need but go over the battlefields of the world to know that our cause is just. Almost all the world is today at war. Some seventeen nations are actively ranged with the allies in this great contest, and many others are only waiting to strike. Yet, looking over the earth, Germany has but two allies—I do not count Austria, for Austria is Germany—owing allegiance to the German Kaiser and the German God! Since this war began, Austria has been in a receiver's hands, obeying not her own rulers, but the Prussian king. Germany has gained two allies; gained them by her frightfulness, by her money, by her intrigue! Bulgaria, whose German king betrayed her Slavic people, and Turkey, already the vassal of Germany before the war began. Germany ought to be proud of Turkey, but then, she should be able to stand it if Turkey can. Why is it that the whole world today is united against Germany? It is united because of her unrighteous stab against the freedom of man, because of her frightfulness, because of her violation of all the rules of war—because of these, she has become an outlaw among the nations of the earth.

Germany's excuses and excusers have been many. We have been told that America was never neutral, that from the beginning we sold munitions to the allies, to use against her. I agree with the Pacifists that we never should have sold munitions—we should have given them away! But, what right

has Germany to complain of the sale of powder and of guns? Germany sold munitions to England to kill the Boers and to the Boers to kill the English. She sold them to America to kill Spaniards and to Spain to kill Americans. She sold them in Mexico to wage war on the United States. She sold them with the greatest impartiality to every warring people on the earth when she did not need them for her own brutal use. And, when she sold them, she was well within her right; for, under the rules of war, any people have as much right to sell munitions as they have to sell food and clothes.

Germany tells us that if we had been neutral the war would have been over in two months. It would have been over, to the satisfaction of Germany and the Pacifists. As a matter of fact, we never did sell munitions to England and France. Certain manufacturers in America had powder and cannon to sell. They sold them to all who came. England could buy and France could buy and Germany could buy. We had the right to sell, but we were under no obligation to deliver what we sold. Germany could buy our munitions but whether she could ever get them home was a question between her and England, which was no concern of ours. And I, for one, am thankful that practically all the munitions that Germany ever received from the United States came by way of the English and French guns!

Munitions Buying.

Then, too, so long as nations war, which may be forever, it is best that a warring nation shall buy its munitions where it can. If this were not true, then every country must have its stores of powder and of guns; must take the time of its people from the peaceful walks of life, to prepare material for death; it means that the weak nations must build up armaments that shall be sufficient to defend against the strong; it means a greater number of soldiers rather than a less; more wars instead of fewer; more armed men and more armed camps; it must mean that every nation on earth must make Germany her guiding star, and that war shall be the trade of men. It is likewise true, that the fact that munitions are sent as cargo upon a ship gives no more right for destruction of the ship than if it were loaded with cotton and with grain. It

gives the right of search and seizure, but nothing else. It gives no right to destroy non-combatants, men, women and children. And all the clergymen and all the metaphysicians of Germany cannot maintain this right.

For almost three years, while the German machine of violence and murder was assaulting the world, the United States stood dumb and neutral as if she cared not who won. While we as a nation were neutral, I was one of millions who was never neutral; from the time Germany drew her sword I knew which side I was on. I did not need to think. I simply felt. The same impulse that would move me to rescue a child in danger or a helpless human being struggling with the waves, drove me to feel with Belgium and France, and to hope that somehow the world would awaken and come to the rescue of these suffering ones. I was never neutral on anything. I have often been wrong but never neutral. And, in a grave question, if one takes sides, he has at least one chance out of two of being right, while if he remains neutral, he has no chance whatever.

Where is the *human* being who can stand neutral between Germany and France? Where is the man of emotion, of feeling, of imagination, who could look at Germany and France and not hope that in some mysterious way France would win? If this great war had been waged on German soil against a French invader, the world would have been and should have been with Germany, fighting for her Fatherland. But all of the professors in all of the German universities cannot make the world believe that they fought in self-defense when their murderous cannons were thundering at the gates of Paris.

Germany and the Pacifists now turn from the horrors wrought by Prussian militarism to the world, and point the finger of scorn to England and Belgium and even France.

England's Wrongs.

England, no doubt, has been guilty of many wrongs. Wrongs against the Irish; wrongs against India; wrongs against other peoples of the earth. Belgium, no doubt, sinned in the Congo. France may have wronged Morocco. But, what is all this to do with the question of whether Germany was right

in invading Belgium and overrunning France and striking a deadly blow at liberty in the year 1914? In the language of the lawyer, all these charges are incompetent, irrelevant and immaterial. If one of you should find your pocket had been picked and tomorrow the culprit should be brought to court, he could not escape by pleading that your grandfather was a pickpocket, too. Whatever England may have been in the days of her growth and aggression, she is another England now. The England of the Tories has no semblance to the England of today. The Prime Minister of Britain, who guides her destinies, is as wise, as humane, as democratic as Abraham Lincoln or Woodrow Wilson.

I am aware that America has fought England more than any other foreign foe, and for years our politicians have abused England to round a period or catch a vote. I know too much of the history of Britain and the history of the United States, not to respect the greatness and inherent worth of England. For two hundred years she has been mistress of the sea; for seventy-five years at least, she has allowed every vessel and every pound of commerce to freely enter England from any nation on the earth; and while she has been mistress of the waves she has protected and defended the freedom of the seas. I know that in spite of all her faults, England has stood for at least a hundred years as the world's greatest defender of the individual rights of men. It is not for America to condemn England from whom we drew our laws, our language, our institutions and the deep devotion for civil and religious liberty which have placed us amongst the freest people in the world. England, that entered this war, not for glory or for conquest, but to fight with France for the right to live upon the earth; England, who has pledged her last dollar and all her sons to defend the world against a ruthless military power; England, whose mighty fleet through the summer heat and the winter cold, in the day and night, has silently patrolled all the seas of the earth and defended her liberties and ours, while we slept; England, today, is our ally. And, he, who in this war, condemns our allies, is guilty of moral treason to the United States.

And what of Belgium? Where is the human heart that does not beat quicker at the thought of Belgium? Belgium, the Arnold Winkelreid of this great war; Belgium that met

the invading German hosts and held their sabers fast in her bleeding heart until France and England could rally to save the liberties of man! I had rather be the young King of Belgium, looking over a devastated empire with its ruined provinces, its burning cities, its stricken people, and know that I had kept the faith, than be the ruler of the greatest and richest nation on the earth.

"What of France?"

And what of France? Is there any American or any human being on the earth who does not love France? France, the beautiful, the gay; France, of song and poetry and sculpture, and of every art that enriches life; France of joy and of laughter; France, who gave the world the philosophers of the 18th century who pointed the way to human freedom and human rights; France, from whose devoted land came that pure stream of democracy which quenched the fires of bigotry and superstition and fertilized the waste places of the earth. France left her theatres and her boulevards; her shops and her stores; forgot her music and her gaiety and love of life, and, at the bugle's call, calmly, heroically, faithfully and without complaint or boast, offered herself to save the world. France, who almost lost her life, but who saved her soul. And, what is France to America? France, not our mother but our midwife; France, who gave her money and her blood that our Republic might be born. I have faith to believe that if there were no other reason for this war, that in these dark days of glorious France, we would repay her for all she did for us, with compound interest, since Seventeen Seventy-six.

All these allies are worthy of our respect. If England or France or Belgium have sinned in the past, the blood of their devoted sons freely shed on the hallowed battlefields of France has washed those sins away.

I am aware that in this country there are many pacifists. No doubt a large number of these are honest and sincere, and not in the least lacking in either physical or moral courage. But the pro-German has suddenly become a pacifist, and most pacifists content themselves with criticising America and her allies, and pass no judgment on the many atrocities of Germany and her clear responsibility for this war. The pacifist speaks with the German accent. Even if his words are not

against America, the import of all he says is to aid Germany against America and its allies in the war. Pacificism is a religious and philosophical theory which has no relation to life and no practical place in the world of today. Whether it can be realized in a million years is a matter that might afford an interesting discussion, but so long as there is any such human nature as is now incident to man, non-resistance is a theory and all people with red blood in their veins will protect their right, when need be, by force.

Pacifists' Excuses.

The pacifists' excuses for Germany have been many. They excuse Germany's submarine warfare on the ground that England was starving Germany. Before Germany broke the peace of the world she knew the rules of war; she knew that she had a right to fight men-of-war on the seas, either by warships or by submarines; she knew that she had no right to sink ships of commerce and destroy the lives of non-combatants without the chance of escape. Starvation gave no excuse. Starvation is a well-established means of war. In the days of the Rebellion the North blockaded Southern ports and starved the South into surrender. In 1871 Germany drew her armies around Paris, denying her people the chance to get food. Paris pleaded for the right to let her women and children go outside the gates and be fed. Germany replied that they should "fry in their own fat." Paris was starved and surrendered, and in this Germany was well within her rights.

Two prizefighters, who enter the ring under the Marquis of Queensbury rules, must abide by the rules. If one sees that in a fair fight he must lose, it gives him no excuse to strike below the belt, and if he does, every non-combatant looking on will see that he does not win.

A neutral world looked at Germany as over and over again she struck below the belt. It knew that civilization could not tolerate such a power, and so the world united to put her down.

We are told that this is a rich man's war; that we have joined with the allies against Germany to make dollars for Wall Street. I have no love for Wall Street, and no desire to defend her selfishness and greed, but the statement that this is a Wall Street war is a slander which has no foundation in

the truth. Whatever I might think of Wall Street, I have never yet believed that the capitalists of this country would lead America into war, sacrificing the lives, perhaps of a million of our young men, for the sake of gold. If I believed that this was true I would never again speak for justice or the betterment of man. I should believe that the human race was so sodden and brutal that it ought to die, either by fair means or foul. But no person who respects fact or logic can say that this is a Wall Street war. It was not Wall Street that made Germany violate the Belgium treaty; that made her sink the Lusitania; that made her engage in inhuman submarine warfare against the commerce and life of the world; that was responsible for her intrigues with Mexico and Japan; that converted the German embassy in Washington into a nest of criminal conspirators to destroy railroads, factories, and munitions while we were still a neutral land. It was not Wall Street that caused Germany to send her note declaring her purpose of ruthless submarine warfare after February 1. It was the brutal, insistent, lawless, Prussian military machine that brought America slowly, reluctantly, and against her will, into this mad carnage of blood and desolation!

Since this war began every neutral nation has been the fair field for all sorts of German intrigue; for force, violence, corruption and every kind of scheming that might help Prussian power. Amongst the last efforts is a demand upon the part of many Americans to ask our Government why we are in the war and what shall be our terms of peace.

Ignorance Inexcusable.

The American who does not know why we are in the war cannot now be told. There is no excuse for intelligent people not knowing why America is in the war! And as to terms of peace, it is idle to talk of peace until we begin to fight. This is the last argument to confound our friends; to separate allies, to sow discord, where there should be union and strength, to raise issues that will be hard enough to settle when the time shall come. When Germany is beaten the world will know it, and when that time comes, no doubt the working out of terms of peace will be hard indeed, but the nations who fight the battle to victory will find the way.

What terms of peace can we propose today? We entered this war because of the ruthless attacks of Germany upon our commerce and our people. France and Belgium entered this war to defend their native lands. Belgium, without any sort of fault, has suffered beyond repair. The civilized world can never again look itself in the face unless Belgium shall be restored so far as money can restore her. And this tribute should be made by Germany and no one else!

Two fair provinces were wrested from France in 1871. These have never yet become a part of the German Empire, but are held as vassals of Germany. Although France accepted the fate of war, she has ever looked with longing eyes to liberate these provinces and bring them back to their fatherland! She has suffered grievously by this unjust and cruel war. Shall we say to France today that if Germany shall stop her submarine warfare with the United States, we will desert our allies and do nothing to help France in her high and just demands? If we say we will help France recover Alsace-Lorraine, we are then asked the question why we should fight to change the map of Europe. If we say that we will not, we serve notice on our allies that when we get what we want we will desert them in their hour of trial.

Germany, under the rules of war, has forfeited her colonies. These colonies would not indemnify the captors for the blood and treasure spilled in the defense of democracy and freedom. Shall we say now that however grievous are Germany's sins, that when she shall get ready to stop fighting, whether now or five years from today, we will place her back where she was before she made her assault upon the world?

To say this, again, would be to desert our allies. To say something else, would be to bring the reproach of the pacifists that we are fighting England's battles. And what of Italy who joined the allies in this war, from the deep feeling and sentiment of the Italian people to stand by France in the hour of her tribulation, and who are now trying to recover the Italian provinces wrested from them by Austrian arms? Can we tell Italy that when we have got, for ourselves, what we want that we are ready to furl our flag? Can we, at this time, say to any people in the world when and where we shall stop? The allies will stop when victory comes! And when it comes these serious problems affecting the future peace and security

of the world must be settled by the victorious allies, and it is for us to keep alive the noble purpose that we had in the beginning,—that America wants no money, and no land, but that she will use her power and influence in the world to have a righteous settlement in the end.

Working for Germany.

Those who oppose this war are working for the most despotic, arbitrary government that the civilized world has known. A government whose Kaiser openly says to his people that he owes no allegiance to any power except his German god. He, of all the monarchs of the western world, openly professes to believe in the divine right of kings as against the divine right of man. I have no idea that the Lord ever whispered any wisdom into the ear of the German Kaiser. When He speaks the world can understand, and if He has any message to give to any special king or potentate on earth, I am quite sure that in the presence of the terrible calamity that afflicts the world He would not whisper it in the German tongue.

The divine right of kings belongs to the dead and buried past; and when this war is done no ruler in Europe or America will ever again claim any God-given right to do with his people as he will. He who pretends to obey only the will of God, obeys his own. The Kaiser is not the mouth-piece of God to express the Almighty's will; but the Kaiser puts his own will and commands into the mouth of God!

The future world will be ruled by men. It will be ruled by the living, not the dead! It will be ruled in the open light of day, and not from any secret commands which the world can not hear.

We are not waging this war to make the world democratic in the sense that our enemies use the word. If Germany wants a monarchy she has a right to a monarchy, and it is no concern of ours. We entered this war because of the unbearable aggressions of the German Empire upon our native land, because the path of Prussia was marked with broken treaties, with unkept promises, with cruelty and shame. And while we could not and did not enter this war to change Germany's form of government, we still have the right to say that when the terms of peace shall come, we will not take the word of a military power that has broken all the obligations of humanity and

law! But when the war shall end and the terms of settlement shall come, we will insist that the pledge of Germany shall be given by the German people, who, in spite of our differences, we still respect as our fellowmen.

Finally, we are told that we may gain the freedom of the seas, but we are losing our liberties at home; that we are destroying free speech and a free press, and striking a blow at that ancient heritage of the American people which is largely responsible for her growth and power. I confess that this has given me concern. I well know the doubts and fears of our government, with enemies within and enemies without; with no chance to know whom it could trust in the grave and serious danger that confronts us all. It may be that we have gone too far. Our President is the last man in the United States to say that he can tell just where the line of freedom of speech and the press should be drawn, either in times of peace or war. All we can do is to preserve, so far as possible, the liberty of speech and the press as one of the priceless heritages of the world. It is a mistake to believe that freedom rests in constitutions or in laws. It rests in the minds and hearts of the people, and so long as the people are tolerant and free liberty will be preserved. When they are blind or sodden, or insane from any cause, liberty can not survive.

Peace Not War.

Times of war are not times of sanity and cannot be. The rules of war are not the rules of peace. Before America joined in this fight any American citizen had a clear right to choose his side. But today we are at war. It cannot be thought that anyone in America could recruit a German army in the United States! This would be to strike a blow against our common country. It can no more be thought that an American may indirectly aid Germany against his native land; and whether the law is this or that, our boys at the front, and when the news of the death toll shall come home to us, those who are suffering the losses and bearing the burdens will not permit disloyal people to fight us at home. When the written law of a country fails, men make their own laws as they go along and the history of every warring country and the history of ours, in the American Revolution, and the War of the Rebellion, shows conclusively that all men alike will act to-

gether in times of stress and trouble whether supported by law or not. And he, who, today gives aid and comfort to the enemy, however indirectly, is playing with fire. It is for those who love liberty of speech and the press, who believe in it as one of the corner stones of American institutions, to resolve that when this war is over we will see that all the old protections and safeguards shall remain secure.

I am the last one to pretend that America has always been right. I have often criticized many of its laws, its customs and its institutions. I reserve the right to criticise them again when the time shall come. But, today, there is but one question in the world, and that is the preservation of such poor civilization as we have! There is but one question in America, and that is to protect the integrity of the United States, and every other issue must wait until this is done!

When the war is finished we can take up once more our old quarrels and our old differences if we will. But, first of all, America must survive! For in spite of all of our shortcomings, the fact remains that the United States is the land of liberty and the freest nation on the earth, and it is our duty not to destroy it, but make it better than it ever was before!

"Still Have Hope."

Although I am not a professional optimist, I still have some hope and some faith. I do not know whether this will be the last great war or not. I trust that never again will any nation ruthlessly bring ruin on the world. But no man can tell. Long ago it was written down in the constitution of things that "Without the shedding of blood there can be no remission of sins."

It seems to me that this old world will never be the same again. We are learning new things; finding each other out. Men who have not been friends meet and commune in a great universal cause. We are learning to know each other and ourselves. We are working together, looking into each other's eyes; living together; dying together in the supreme struggle of the human race. We have found that mutual helpfulness alone can bring victory in times of war. And I have faith at least to hope that as we find that we can help each other in times of war, we may learn that we can help each other in times of peace.

THE NATIONAL SECURITY LEAGUE

is a non-political, non-partisan league of American men and women who are earnestly working for PATRIOTIC EDUCATION AND UNIVERSAL MILITARY TRAINING AND SERVICE.

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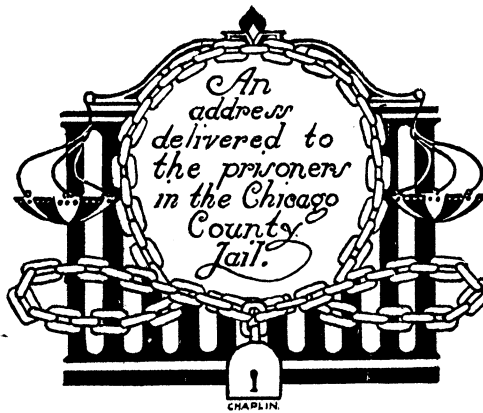
CRIME AND CRIMINALS



CLARENCE S. DARROW

CRIME AND CRIMINALS

AN ADDRESS DELIVERED TO THE PRISONERS IN THE CHICAGO COUNTY JAIL

BY

CLARENCE S. DARROW

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PREFACE

This address is a stenographic report of a talk made to the prisoners in the Chicago jail. Some of my good friends have insisted that while my theories are true, I should not have given them to the inmates of a jail.

Realizing the force of the suggestion that the truth should not be spoken to all people, I have caused these remarks to be printed on rather good paper and in a somewhat expensive form. In this way the truth does not become cheap and vulgar, and is only placed before those whose intelligence and affluence will prevent their being influenced by it.

CRIME AND CRIMINALS

If I looked at jails and crimes and prisoners in the way the ordinary person does, I should not speak on this subject to you. The reason I talk to you on the question of crime, its cause and cure, is because I really do not in the least believe in crime. There is no such thing as a crime as the word is generally understood. I do not believe there is any sort of distinction between the real moral condition of the people in and out of jail. One is just as good as the other. The people here can no more help being here than the people outside can avoid being outside. I do not believe that people are in jail because they deserve to be. They are in jail simply because they can not avoid it on account of circumstances which are entirely beyond their control and for which they are in no way responsible.

I suppose a great many people on the outside would say I was doing you harm if they should hear what I say to you this afternoon, but you can not be hurt a great deal anyway, so it will not matter. Good people outside would say that I was really teaching you things that were calculated to injure society, but it's worth while now and then to hear something different from what you ordinarily get from preachers and the like. These will tell you that you should be good and then you will get rich and be happy. Of course we know that people do not get rich by being good, and that is the reason why so many of you people try to get rich some other way, only you do not understand how to do it quite as well as the fellow outside.

There are people who think that everything in this world is an accident. But really there is no such thing as an accident. A great many folks admit that many of the people in jail ought to be there, and many who are outside ought to be in. I think none of them ought to be here. There

ought to be no jails, and if it were not for the fact that the people on the outside are so grasping and heartless in their dealings with the people on the inside, there would be no such institution as jails.

I do not want you to believe that I think all you people here are angels. I do not think that. You are people of all kinds, all of you doing the best you can, and that is evidently not very well—you are people of all kinds and conditions and under all circumstances. In one sense everybody is equally good and equally bad. We all do the best we can under the circumstances. But as to the exact things for which you are sent here, some of you are guilty and ~~the money. Some of you did it because you~~ did the particular act because you needed the money. Some of you did it because you are in the habit of doing it, and some of you because you are born to it, and it comes to be as natural as it does, for instance, for me to be good.

Most of you probably have nothing against me, and most of you would treat

me the same as any other person would; probably better than some of the people on the outside would treat me, because you think I believe in you and they know I do not believe in them. While you would not have the least thing against me in the world you might pick my pockets. I do not think all of you would, but I think some of you would. You would not have anything against me, but that's your profession, a few of you. Some of the rest of you, if my doors were unlocked, might come in if you saw anything you wanted—not out of any malice to me, but because that is your trade. There is no doubt there are quite a number of people in this jail who would pick my pockets. And still I know this, that when I get outside pretty nearly everybody picks my pocket. There may be some of you who would hold up a man on the street, if you did not happen to have something else to do, and needed the money; but when I want to light my house or my office the gas company holds me up. They charge me one dollar for something that is

worth twenty-five cents, and still all these people are good people; they are pillars of society and support the churches, and they are respectable.

When I ride on the street cars, I am held up—I pay five cents for a ride that is worth two and a half cents, simply because a body of men have bribed the city council and the legislature, so that all the rest of us have to pay tribute to them.

If I do not want to fall into the clutches of the gas trust and choose to burn oil instead of gas, then good Mr. Rockefeller holds me up, and he uses a certain portion of his money to build universities and support churches which are engaged in telling us how to be good.

Some of you are here for obtaining property under false pretenses—yet I pick up a great Sunday paper and read the advertisements of a merchant prince—"Shirt waists for 39 cents, marked down from $3.00."

When I read the advertisements in the paper I see they are all lies. When I want to get out and find a place to stand any-

where on the face of the earth, I find that it has all been taken up long ago before I came here, and before you came here, and somebody says, "Get off, swim into the lake, fly into the air; go anywhere, but get off." That is because these people have the police and they have the jails and the judges and the lawyers and the soldiers and all the rest of them to take care of the earth and drive everybody off that comes in their way.

A great many people will tell you that all this is true, but that it does not excuse you. These facts do not excuse some fellow who reaches into my pocket and takes out a five dollar bill; the fact that the gas company bribes the members of the legislature from year to year, and fixes the law, so that all you people are compelled to be "fleeced" whenever you deal with them; the fact that the street car companies and the gas companies have control of the streets and the fact that the landlords own all the earth, they say, has nothing to do with you.

Let us see whether there is any connec-

tion between the crimes of the respectable classes and your presence in the jail. Many of you people are in jail because you have really committed burglary. Many of you, because you have stolen something: in the meaning of the law, you have taken some other person's property. Some of you have entered a store and carried off a pair of shoes because you did not have the price. Possibly some of you have committed murder. I can not tell what all of you did. There are a great many people here who have done some of these things who really do not know themselves why they did them. I think I know why you did them—every one of you; you did these things because you were bound to do them. It looked to you at the time as if you had a chance to do them or not, as you saw fit, but still after all you had no choice. There may be people here who had some money in their pockets and who still went out and got some more money in a way society forbids. Now you may not yourselves see exactly why it was you did this thing, but if you

look at the question deeply enough and carefully enough you would see that there were circumstances that drove you to do exactly the thing which you did. You could not help it any more than we outside can help taking the positions that we take. The reformers who tell you to be good and you will be happy, and the people on the outside who have property to protect—they think that the only way to do it is by building jails and locking you up in cells on week-days and praying for you Sundays.

I think that all of this has nothing whatever to do with right conduct. I think it is very easily seen what has to do with right conduct. Some so-called criminals—and I will use this word because it is handy, it means nothing to me—I speak of the criminals who get caught as distinguished from the criminals who catch them—some of these so-called criminals are in jail for the first offenses, but nine-tenths of you are in jail because you did not have a good lawyer and of course you did not have a good lawyer because you did not have

enough money to pay a good lawyer. There is no very great danger of a rich man going to jail.

Some of you may be here for the first time. If we would open the doors and let you out, and leave the laws as they are to-day, some of you would be back to-morrow. This is about as good a place as you can get anyway. There are many people here who are so in the habit of coming that they would not know where else to go. There are people who are born with the tendency to break into jail every chance they get, and they can not avoid it. You can not figure out your life and see why it was, but still there is a reason for it, and if we were all wise and knew all the facts we could figure it out.

In the first place, there are a good many more people who go to jail in the winter time than in summer. Why is this? Is it because people are more wicked in winter? No, it is because the coal trust begins to get in its grip in the winter. A few gentlemen take possession of the coal, and

unless the people will pay $7 or $8 a ton for something that is worth $3, they will have to freeze. Then there is nothing to do but to break into jail, and so there are many more in jail in the winter than in summer. It costs more for gas in the winter because the nights are longer, and people go to jail to save gas bills. The jails are electric lighted. You may not know it, but these economic laws are working all the time, whether we know it or do not know it.

There are more people go to jail in hard times than in good times—few people comparatively go to jail except when they are hard up. They go to jail because they have no other place to go. They may not know why, but it is true all the same. People are not more wicked in hard times. That is not the reason. The fact is true all over the world that in hard times more people go to jail than in good times, and in winter more people go to jail than in summer. Of course it is pretty hard times for people who go to jail at any time. The

people who go to jail are almost always poor people—people who have no other place to live first and last. When times are hard then you find large numbers of people who go to jail who would not otherwise be in jail.

Long ago, Mr. Buckle, who was a great philosopher and historian, collected facts and he showed that the number of people who are arrested increased just as the price of food increased. When they put up the price of gas ten cents a thousand I do not know who will go to jail, but I do know that a certain number of people will go. When the meat combine raises the price of beef I do not know who is going to jail, but I know that a large number of people are bound to go. Whenever the Standard Oil Company raises the price of oil, I know that a certain number of girls who are seamstresses, and who work after night long hours for somebody else, will be compelled to go out on the streets and ply another trade, and I know that Mr. Rockefeller and his associates are responsible and not the poor girls in the jails.

First and last, people are sent to jail because they are poor. Sometimes, as I say, you may not need money at the particular time, but you wish to have thrifty forehanded habits, and do not always wait until you are in absolute want. Some of you people are perhaps plying the trade, the profession, which is called burglary. No man in his right senses will go into a strange house in the dead of night and prowl around with a dark lantern through unfamiliar rooms and take chances of his life if he has plenty of the good things of the world in his own home. You would not take any such chances as that. If a man had clothes in his clothes-press and beefsteak in his pantry, and money in the bank, he would not navigate around nights in houses where he knows nothing about the premises whatever. It always requires experience and education for this profession, and people who fit themselves for it are no more to blame than I am for being a lawyer. A man would not hold up another man on the street if he had plenty

of money in his own pocket. He might do it if he had one dollar or two dollars, but he wouldn't if he had as much money as Mr. Rockefeller has. Mr. Rockefeller has a great deal better hold-up game than that.

The more that is taken from the poor by the rich, who have the chance to take it, the more poor people there are who are compelled to resort to these means for a livelihood. They may not understand it, they may not think so at once, but after all they are driven into that line of employment.

There is a bill before the legislature of this State to punish kidnaping children, with death. We have wise members of the Legislature. They know the gas trust when they see it and they always see it,—they can furnish light enough to be seen, and this Legislature thinks it is going to stop kidnaping children by making a law punishing kidnapers of children with death. I don't believe in kidnaping children, but the Legislature is all wrong. Kidnaping children is not a crime, it is a profession.

It has been developed with the times. It has been developed with our modern industrial conditions. There are many ways of making money—many new ways that our ancestors knew nothing about. Our ancestors knew nothing about a billion dollar trust; and here comes some poor fellow who has no other trade and he discovers the profession of kidnaping children.

This crime is born, not because people are bad; people don't kidnap other people's children because they want the children or because they are devilish, but because they see a chance to get some money out of it. You cannot cure this crime by passing a law punishing by death kidnapers of children. There is one way to cure it. There is one way to cure all these offenses, and that is to give the people a chance to live. There is no other way, and there never was any other way since the world began, and the world is so blind and stupid that it will not see. If every man and woman and child in the world had a chance to make a decent, fair, honest living, there would be no

jails, and no lawyers and no courts. There might be some persons here or there with some peculiar formation of their brain, like Rockefeller, who would do these things simply to be doing them; but they would be very, very few, and those should be sent to a hospital and treated, and not sent to jail; and they would entirely disappear in the second generation, or at least in the third generation.

I am not talking pure theory. I will just give you two or three illustrations.

The English people once punished criminals by sending them away. They would load them on a ship and export them to Australia. England was owned by lords and nobles and rich people. They owned the whole earth over there, and the other people had to stay in the streets. They could not get a decent living. They used to take their criminals and send them to Australia—I mean the class of criminals who got caught. When these criminals got over there, and nobody else had come, they had the whole continent to run over, and

so they could raise sheep and furnish their own meat, which is easier than stealing it; these criminals then became decent, respectable people because they had a chance to live. They did not commit any crimes. They were just like the English people who sent them there, only better. And in the second generation the descendants of those criminals were as good and respectable a class of people as there were on the face of the earth, and then they began building churches and jails themselves.

A portion of this country was settled in the same way, landing prisoners down on the southern coast; but when they got here and had a whole continent to run over and plenty of chances to make a living, they became respectable citizens, making their own living just like any other citizen in the world; but finally these descendants of the English aristocracy, who sent the people over to Australia, found out they were getting rich, and so they went over to get possession of the earth as they always do, and they organized land syndicates and

got control of the land and ores, and then they had just as many criminals in Australia as they did in England. It was not because the world had grown bad; it was because the earth had been taken away from the people.

Some of you people have lived in the country. It's prettier than it is here. And if you have ever lived on a farm you understand that if you put a lot of cattle in a field, when the pasture is short they will jump over the fence; but put them in a good field where there is plenty of pasture, and they will be law-abiding cattle to the end of time. The human animal is just like the rest of the animals, only a little more so. The same thing that governs in the one governs in the other.

Everybody makes his living along the lines of least resistance. A wise man who comes into a country early sees a great undeveloped land. For instance, our rich men twenty-five years ago saw that Chicago was small and knew a lot of people would come here and settle, and they readily saw

that if they had all the land around here it would be worth a good deal, so they grabbed the land. You cannot be a landlord because somebody has got it all. You must find some other calling. In England and Ireland and Scotland less than five per cent own all the land there is, and the people are bound to stay there on any kind of terms the landlords give. They must live the best they can, so they develop all these various professions — burglary, picking pockets and the like.

Again, people find all sorts of ways of getting rich. These are diseases like everything else. You look at people getting rich, organizing trusts, and making a million dollars, and somebody gets the disease and he starts out. He catches it just as a man catches the mumps or the measles; he is not to blame, it is in the air. You will find men speculating beyond their means, because the mania of money-getting is taking possession of them. It is simply a disease; nothing more, nothing less. You can not avoid catching it; but the fellows who have

control of the earth have the advantage of you. See what the law is; when these men get control of things, they make the laws. They do not make the laws to protect anybody; courts are not instruments of justice; when your case gets into court it will make little difference whether you are guilty or innocent; but it's better if you have a smart lawyer. And you can not have a smart lawyer unless you have money. First and last it's a question of money. Those men who own the earth make the laws to protect what they have. They fix up a sort of fence or pen around what they have, and they fix the law so the fellow on the outside can not get in. The laws are really organized for the protection of the men who rule the world. They were never organized or enforced to do justice. We have no system for doing justice, not the slightest in the world.

Let me illustrate: Take the poorest person in this room. If the community had provided a system of doing justice the poorest person in this room would have as good

a lawyer as the richest, would he not? When you went into court you would have just as long a trial, and just as fair a trial as the richest person in Chicago. Your case would not be tried in fifteen or twenty minutes, whereas it would take fifteen days to get through with a rich man's case.

Then if you were rich and were beaten, your case would be taken to the Appellate Court. A poor man can not take his case to the Appellate Court; he has not the price; and then to the Supreme Court, and if he were beaten there he might perhaps go to the United States Supreme Court. And he might die of old age before he got into jail. If you are poor, it's a quick job. You are almost known to be guilty, else you would not be there. Why should any one be in the criminal court if he were not guilty? He would not be there if he could be anywhere else. The officials have no time to look after all these cases. The people who are on the outside, who are running banks and building churches and making jails, they have no time to examine 600

or 700 prisoners each year to see whether they are guilty or innocent. If the courts were organized to promote justice the people would elect somebody to defend all these criminals, somebody as smart as the prosecutor—and give him as many detectives and as many assistants to help, and pay as much money to defend you as to prosecute you. We have a very able man for State's Attorney, and he has many assistants, detectives and policemen without end, and judges to hear the cases—everything handy.

Most of all our criminal code consists in offenses against property. People are sent to jail because they have committed a crime against property. It is of very little consequence whether one hundred people more or less go to jail who ought not to go—you must protect property, because in this world property is of more importance than anything else.

How is it done? These people who have property fix it so they can protect what they have. When somebody commits a

crime it does not follow that he had done something that is morally wrong. The man on the outside who has committed no crime may have done something. For instance: to take all the coal in the United States and raise the price two dollars or three dollars when there is no need of it, and thus kill thousands of babies and send thousands of people to the poorhouse and tens of thousands to jail, as is done every year in the United States,—this is a greater crime than all the people in our jails ever committed, but the law does not punish it. Why? Because the fellows who control the earth make the laws. If you and I had the making of the laws, the first thing we would do would be to punish the fellow who gets control of the earth. Nature put this coal in the ground for me as well as for them and nature made the prairies up here to raise wheat for me as well as for them, and then the great railroad companies came along and fenced it up.

Most all of the crimes for which we are punished are property crimes. There are a

few personal crimes, like murder—but they are very few. The crimes committed are mostly those against property. If this punishment is right the criminals must have a lot of property. How much money is there in this crowd? And yet you are all here for crimes against property. The people up and down the Lake Shore have not committed crime, still they have so much property they don't know what to do with it. It is perfectly plain why these people have not committed crimes against property; they make the laws and therefore do not need to break them. And in order for you to get some property you are obliged to break the rules of the game. I don't know but what some of you may have had a very nice chance to get rich by carrying the hod for one dollar a day, twelve hours. Instead of taking that nice, easy profession, you are a burglar. If you had been given a chance to be a banker you would rather follow that. Some of you may have had a chance to work as a switchman on a railroad where you know, according to statistics, that you

can not live and keep all your limbs more than seven years, and you can get fifty dollars or seventy-five dollars a month for taking your lives in your hands, and instead of taking that lucrative position you choose to be a sneak thief, or something like that. Some of you made that sort of choice. I don't know which I would take if I was reduced to this choice. I have an easier choice.

I will guarantee to take from this jail, or any jail in the world, five hundred men who have been the worst criminals and lawbreakers who ever got into jail, and I will go down to our lowest streets and take five hundred of the most abandoned prostitutes, and go out somewhere where there is plenty of land, and will give them a chance to make a living, and they will be as good people as the average in the community.

There is a remedy for the sort of condition we see here. The world never finds it out, or when it does find it out it does not enforce it. You may pass a law punishing every person with death for burglary, and

it will make no difference. Men will commit it just the same. In England there was a time when one hundred different offenses were punishable with death, and it made no difference. The English people strangely found out that so fast as they repealed the severe penalties and so fast as they did away with punishing men by death, crime decreased instead of increased; that the smaller the penalty the fewer the crimes.

Hanging men in our county jails does not prevent murder. It make murderers.

And this has been the history of the world. It's easy to see how to do away with what we call crime. It is not so easy to do it. I will tell you how to do it. It can be done by giving the people a chance to live—by destroying special privileges. So long as big criminals can get the coal fields, so long as the big criminals have control of the city council and get the public streets for street cars and gas rights, this is bound to send thousands of poor people to jail. So long as men are allowed to monopolize all the earth, and compel

others to live on such terms as these men see fit to make, then you are bound to get into jail.

The only way in the world to abolish crime and criminals is to abolish the big ones and the little ones together. Make fair conditions of life. Give men a chance to live. Abolish the right of private ownership of land, abolish monopoly, make the world partners in production, partners in the good things of life. Nobody would steal if he could get something of his own some easier way. Nobody will commit burglary when he has a house full. No girl will go out on the streets when she has a comfortable place at home. The man who owns a sweatshop or a department store may not be to blame himself for the condition of his girls, but when he pays them five dollars, three dollars, and two dollars a week, I wonder where he thinks they will get the rest of their money to live. The only way to cure these conditions is by equality. There should be no jails. They do not accomplish what they pretend to ac-

complish. If you would wipe them out, there would be no more criminals than now. They terrorize nobody. They are a blot upon any civilization, and a jail is an evidence of the lack of charity of the people on the outside who make the jails and fill them with the victims of their greed.

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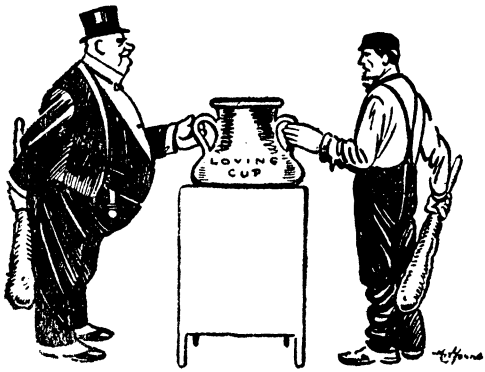

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The OPEN SHOP

Under the present system of industrial life there is bound to be employers and employed. It matters not if here and there some one rises from the ranks of the workmen and becomes an employer or even if some less fortunate man falls from the master class to the laboring class, the system goes on without the least regard to men, and this system calls for employer and employed. The wage system has existed ever since serfdom and is so much a part of industrial life that most people do not conceive that society could live without it.

However men may dislike the use of the word class, which is only a little bit removed from caste, still so long as the wage system lives there must be an employing class and a laboring class. The one has the land, the mines, the forests, the railroads, the factories and mills,—in short, all the means and tools of production; and the other has the labor, which must be applied to these implements to produce wealth. Again, in the evolution of society the workman, at least in America, is geting further and further removed from the tools of his trade. Improved methods and machines constantly call for larger production and more expensive tools. The old-time artisan is well nigh gone; neither he nor his tools would have any place in the industry of to-day. More and more is all production passing into larger hands, which, of course, means fewer hands. The relative number of employers is growing less, and of workmen growing greater. If it should be conceded that any considerable number of laborers, by frugality and industry, by intelligence and luck, could

place themselves in the employing class this could not change the order of the world. To operate a railroad or a rolling mill requires a large number of laborers. If one dies or grows rich another must take his place.

Capital, in its effort to multiply itself, constantly invents new methods of production, new tools and implements, and is ever busy in systematizing and organizing its activities to produce the greatest amount from the smallest expenditure of time and strength. Thus the mileage of railroads under one management is ever lengthening, mills and factories and department stores ever growing larger, and a constantly increasing number of workmen are placed under one supervision and one head. It is not necessary to speculate as to whether monopoly is wise or best. The fact is that the growth of monopoly is inherent in our present industrial system, and all efforts to hamper by passing laws or bringing criminal proceedings are not only useless to accomplish the result desired, but are meddlesome and mischievous in the extreme. In all the activities of man some account must be made of natural law, and any method that flies directly in its face is bound to fail. Under present methods there is economy in production on a large scale, and so long as this is true laws and public opinion alike will be helpless to prevent the tendency to big things in the industrial world.

The masters of finance have always condemned every effort of courts and law-makers to destroy monopoly, and have ever stoutly held that they should be left unhampered to organize and consolidate at will. If this method is pursued to the end it will mean the ultimate

organization of all industry under a single head. And if there is economy in big things there is no reason why the end will not some time be reached. In fact, the growth of organization and monopoly in the last few years makes this end much more real than a dream.

It is evident that the employing class has a much greater degree of liberty and independence than the working class. Not only this, but they have much the greater and better directed energy and power. The employing class, from the nature of things, has an accumulated surplus on hand and can afford to wait. Though machines and railroads lie idle and no profits are earned, still the owners of capital are safe from want or serious inconvenience, for an indefinite time. But the workman's case is not the same. The very fact that he is a laborer, selling his energy and skill from day to day, shows that he cannot wait. Not only does he lose his capital, but in the shortest time want and hunger overtake him and force his surrender. Add to his own inconvenience the suffering of his family and there are always but a few days between the workman and absolute capitulation to the employer. Assume that a considerable number of workmen are far removed from want, still the great mass are always on the verge, and in any protracted struggle the employment of those who can afford to wait is always threatened by the ones who can not. Every workman is almost directly dependent on his employer. If one of the operators of the Western Union Telegraph Company refuses to work it is a matter of no consequence to the company, but if the Western Union refuses employment it is of very serious concern to him.

From the earliest time all men have always known the vast advantage that goes with wealth. It is for this reason that men have ever struggled to place themselves beyond want, and to provide for a rainy day.

In the work of production capital gathers together the raw forces that it needs and combines these into the finished product which the market wants. The individual employer counts for little in this work of supplying things for trade. He is as much a creature of law as the workman or his tools. The law of trade requires that he shall find the cheapest market in which to buy, and the dearest one in which to sell. Whatever may be the employer's views or feelings he must recognize this law, for he finds himself everywhere in competition with other employers keen and ready to take advantage of every opportunity that the law of trade places in his hands. Employers have always been the first to recognize the effects of unlimited competition amongst themselves, and to strive by tariff laws, by combinations and pool agreements, and in every way to destroy this cut-throat competition and protect the price of the wares they have to sell. There are not less than ten different lines of railroad by which either singly or through connections the traveler can be carried from Chicago to New York, and yet by agreement these competing lines regulate the price of passenger and freight service, so that the different classes of roads charge the same amount, and competition is destroyed. What is true of these railroads is rapidly becoming true in all lines of production, and dire are the punishments that these combinations visit upon the offender who re-

fuses to abide by the rules and restrictions they lay down.

In this work of production capital buys coal, and ore, and lumber, and labor, and any other raw material that it needs. So far as the capitalist is concerned, labor is as much a commodity to be purchased in the open market as any other product that he buys. Thus it is that the tendency is ever to buy the cheapest labor that will fulfill the market's needs. With the increasing use of machinery the movement towards cheaper labor becomes easier as time goes on. The skilled workman can be replaced with the feeder of a machine. The intelligent laborer with the ignorant. The American with the latest imported foreigner; the European with the Asiatic. The man with the woman, and the woman with the child. Barring periods of great industrial activity and the interference of laws and trade union regulations this movement has been growing with ever increasing force through the industrial development of the United States. Statistics show how rapidly women are made to supplant men, and children to take the places of women in all industries, when improved machinery makes the weaker class of labor available for the production of goods for market.

Not only this, but the cheaper and more helpless the labor the easier has it been for the employer to demand the hardest condition of toil. Here again the fault is not with the master, but with the market that is all-controlling. But the ignorant and weak, the foreign-born coming from the lower standard of life, and ignorant of our language, and the helpless women and little children will readily

submit to the hardest terms; long hours, dangerous tools, unsanitary conditions. In short, any employment that puts off starvation.

In spite of the fact that from the standpoint of the employer and the market, labor is a commodity like any other to be bought at the lowest price and worked into the finished product, still in a limited way society and the law has always recognized that this commodity is not exactly the same as wood and iron and must be governed by a somewhat different rule. Labor is really life. It is the strength and energy and time of human beings given day by day to some one else. To give it without any return is slavery; to take it for an unjust or insignificant return is only so much less.

Making goods for the market (theoretically at least) is not the first concern of the state. Its first concern is the protection of human life and liberty, the general welfare of all the people intrusted to its care. All states are made up chiefly of the workers, those who have little accumulated capital and who are obliged to labor from day to day to obtain the means of life. Any terms or conditions which tend to weaken and impoverish these must tend to weaken and impoverish the state, and any laws or regulations that tend to protect or better the conditions and welfare of this, the largest class of citizens, are in the line of the duty of all government. Of course here, as everywhere, men make mistakes, and many laws and conditions meant to help, serve but to impede, and often natural laws would have been best when left alone, and more often still the desired result could be reached better through indirection than in any direct way.

But all of this in no way changes the law that the concern of government is the protection and welfare of the great mass of its fellow men.

All classes have ever been insistent on their own rights, and regardless of the interests of their fellow man. Thus the captains of industry have ever stoutly maintained their right to monopolize and control; have ever built up their combinations even against positive human law, but they just as loudly deny the right of the working man to monopolize and control the one commodity he has to sell —his labor—which is his flesh and blood, his very life.

Against this tendency of the market to get the cheapest, to replace the skilled with the unskilled, the intelligent with the ignorant, the strong with the weak, the man with the woman, and the woman with the child; against this tendency of the market to lengthen hours of labor, to furnish unsafe tools and unsanitary conditions; against the tendency of the market to take the most and give the least the trade unions have always been the strongest force. Laws have no doubt done something, much more abroad than here but in America, with the opportunity of a new rich land, until recent times, these unbounded natural resources were supposed to do away with any need of laws. But both in America and Europe the power of trade unions always exerted to help the members of their craft has done more to improve the conditions of the workman, to give to labor a larger share of production than all other forces combined. Endless facts and arguments could be marshalled to support this statement, but it is

enough that through all the ages the working class have clung to their unions; have supported them, and built them up in the face of the most powerful influences of society; in the face of legislatures and courts; in spite of starvation, of jails and scaffolds, they have clung to them in good repute and bad as the one thing that stood between them and the serfdom from which they came. And just as persistently the employing class from the beginning until to-day have sought by every means at their command—public opinion, the press, legislatures, courts and jails, to destroy these organizations of working men.

Employers have ever regarded labor unions as hostile to their rights; they have so regarded them because it has been the business of organized workmen to get shorter hours, better conditions, safer tools, and a larger share of production than the workmen individually could obtain.

Capital has ever resented the interference of organized labor with what it calls its rights; that is, the complete and arbitrary control of all industries to suit its will. Capital can never understand that labor should have any voice in managing the industrial institutions of the land; it cannot realize that the man who works in a mill, or on a railroad is as vitally interested in its management and should at least have as much to say about hours, conditions, and terms of labor as the one who has nothing but money invested in the plant. True it is that under the present conditions of production the capitalist has the title to the plant and can shut it down if he sees fit. But it is just as true that laborers, either singly or collectively, may refuse to take employment except on such terms

and conditions as they choose.

If employers and employes alike, from the earliest time, have agreed that labor unions benefited the workman by giving larger wages, shorter hours and better conditions, little further proof should be required.

The individual laborer is absolutely helpless in the presence of the great industrial institutions of to-day. Imagine one workman amongst forty thousand employes of the Pennsylvania Company making a demand for shorter hours and better terms. There has always been one quick and ready answer to such demand. "If you don't like the terms you had better find another job." Individually the man is helpless; the trade union has furnished the common workman the one institution to which he can look for friendship and protection; the one body on which he can rely for the redress of his grievances, and the protection of his rights, and if society were to remove that protection and safeguard, and cut the workman off from his fellows, and leave him to fight his individual battles against the great combination of capital for whom he works, it would leave the laborer stripped and naked to commence his long and painful journey back to serfdom once again, and when he starts out upon this road, the great mass of men whose independence has been won along with the workman's struggles, the great middle class, must go back with him.

Under present industrial methods it is not merely a question of whether a workman can make better terms through his union by collective bargaining. It is the only way in which he can make any terms whatever; without the union the workman has nothing at all to

say about his wages, or his hours, or any of the terms and conditions of the employment he takes. Imagine the solitary brakeman on a great railroad system going to his foreman and disputing about the price of service or the hours of service. Imagine one track man, by this system of bargaining, getting any more for himself than is paid to all the rest. Without collective bargaining the employer fixes the rate of wages, and all the terms and conditions of his contract, and the individual workman may take it or leave it alone, as he sees fit. If he refuses employment the place is left open until some one more needy than himself shall be found to fill it. But with all the men operating together and a common refusal to accept the terms or conditions offered, they may meet their employer on something like equal terms.

Trade unionism has grown so old and strong and has been so much patronized by surface thinkers, as well as by that large class who always seek the easiest way, no matter how indirect, that the opposition is not now so much directed against the union as against every thing it does. Most people are now willing that workmen shall be organized, provided they do nothing but pass resolutions and pay dues.

The fight waged against unionism to-day is no less bitter than it was fifty years ago. It is simply directed along other lines. Now, as always, both with trade unionism and every idea and institution that points to a different method than the one the world has known so long, the new idea is sought to be placed in the wrong, to be against the law and existing things, and utterly without reason or excuse.

Just now the popular line of opposition against unionism is made in the violent demand for the open shop. This contention is supported by all sorts of statements and arguments, mostly false in premises and hysterical in their nature. The reasons that have always prompted unionists to demand the closed shop have been entirely ignored and their arguments made to turn on something else.

So long and vociferously have the enemies of trade unions declared for the open shop that no doubt many of them really believe that they are fighting for some principle of liberty and justice and not to serve their selfish ends. Mainly their arguments consist in various statements of the assumption that every man has an inalienable right to work when he pleases, for what wages he pleases, and for whom he pleases. The word "inalienable" sounds well, for it is taken from the Declaration of Independence but it has no meaning in this connection. An "inalienable" right is one which cannot be taken away, and it is obvious that under present conditions no such right exists. In fact, it is stoutly contended for by the very men who have taken away every opportunity that would give a laborer a right or chance to work. Men can not labor without an opportunity to apply his hands to some of the bounties of nature, to some material from which things are made, and still the inalienable right to work is insisted upon by those who have taken all the coal, and ore, and lumber; who control all the factories and railroads, all the land, and every means to which man might apply his toil. There can be no inalienable right to work without a place to work, and neither the government nor those

who declaim the loudest or insist the most, have ever furnished the laborer a place to toil. To this class the inalienable right to work means simply the inalienable right of the employer, without let or hindrance, to go out in the open market and bid for laborers on the hardest terms, or, rather, to so order that industrial world that all men and women and children must bid against each other for a right to toil. No organized government and no powerful body of men ever really made any demand or enforced any means that would give to every working man an inalienable right to work. All the rights a laborer has under the law, or under present industrial methods, is the right to go from employer to employer in search of work. His right to work depends entirely upon his ability to find some one who has the means and inclination to hire him, and no matter how willing or anxious he cannot force himself upon an employer, but he may be denied this inalienable right upon any reason or pretext no matter what. The great mass of working men to-day have practically nothing but their hands. Where are they to go to enforce this inalienable right? No one knows better than the masters of industry that they may be denied this inalienable right upon the master's will, and could trade unionism be destroyed the will would be harder and more arbitrary, and the right to work far less available than it is today. The inalienable right to work is a bit of birdlime, used to catch the unthinking mass, and society and all industrial life must be made over, or, at least, radically changed before such a right is anything except a far-off dream.

Under the conditions that now seem perma-

nent and well assured, the workman is fairly certain of two things in respect to this boasted right. He has the right to go from place to place and ask for work, and if he finds no one who will take his services at living rates, he has a right to go to the poorhouse for support. Of course, every effort of trade unionists has been made for the purpose of giving him greater freedom and independence, not less; and it is because of this that it has ever met the violent opposition of the employing class. The inalienable right to work cannot be said to be greater or more manifest than the inalienable right to play, though it has been much more urged. This is no doubt due to the fact that those who have so strongly defended it on the part of others have been much more interested in their work than in their play. If the Declaration of Independence can be said to cover and protect any such right it must be by virtue of the clause in the Declaration of Independence, which judges have called the soul of the constitution, which declares that all men have an inalienable right to the pursuit of happiness. But it is manifest that this provision could be much more easily construed to protect the right to play or the right to social enjoyment than the right to work.

No doubt, if the occasion should arise, courts would insist that every man has the right to amuse himself in ways not prohibited by law, provided, always, that he amused himself alone, or found his pleasure in certain places of public amusement that the laws had always stamped as public, for the reason that their owners appealed to and bid for the patronage of the crowd. But it is very certain

that no one would ever contend that the right to the pursuit of happiness gave any one the right to associate with another against his will, to enter his parlor or his home, or his company without invitation, and when his presence was not desired. The workman has as much right to choose the companions with whom he will associate in labor as the employer has to choose the friends with whom he will spend his pastime. The employer has no more right to force any fellow workman upon another during the hours of toil than the workman has to force his own, or some other person's society upon the master during his hours of recreation. Each must be free to choose, and the choice may be made for the best or the poorest reason as the individual shall desire. For a master to insist that because he is a master an employe is bound to work with any one whom the master shall elect, is not only impudent and insulting in the extreme, but utterly subversive of individual rights.

Of course, both master and workman may exercise the right of association in work and in play, in violation of the highest ethical code, but this has no relation to the right. Men have always been filled with prejudices, just and unjust, against their fellow men. It is, no doubt, only a violent prejudice that would bar many workmen from their employers' parlors in social life, but it is a prejudice that the employer has a perfect right to indulge if he sees fit and to deny that right would leave him no longer the master of himself. The reason why a union workman does not choose to work with a non-union workman is plain and evident and founded in the protection of himself

and his fellow craftsmen. But if it were prejudice and nothing else his right to indulge it would be beyond dispute. Instinctively men love the society of others of their kind. This is true the same whether this association is for work or play, and the man who desires the society of his companions must so conduct himself that his associates are content to live with him. If he sees fit voluntarily to so arrange his life that his fellows do not desire his company he must accept the consequences, however unreasonable society may be. Whether the boycott is just or unjust, equitable or inequitable, has no bearing on the case. In this world men are not crucified because they are good or because they are bad, but because they are unlike their fellows. Trade unionists for centuries have believed that they are upholding the right of men, the welfare of their class; that without their organization their liberty and independence would be lost; they have come to regard the non-union man as one who not only refuses to stand with them, but who is unloyal to his class, a traitor to his kind. They look on him as a man who seeks to undermine and destroy his fellow workman, and from the nature of things there is a great gulf between them and him. This is not a fact in trade unionism; it is a fact in human nature, and is as deep and abiding as the right of self-defense. For, in its last analysis, it is self-defense.

The employing class has exactly the same feeling toward one of its own members who gives his influence and strength on the side of the union workman, and who refuses to stand with them in their opposition to the demands of labor, that the trade unionist has to the one

he calls a scab. Neither is loyal to his class. Both pay the penalty of their disloyalty to their class; they are cut off from the friendship and association with others of their kind. Doubtless some men take these positions from high motives, but this in no way saves them from punishment, for this social boycott is nothing but the effort of the class to protect itself. The non-union workman is unpopular with his fellow laborer, but he is in good standing with his employers, for they know him to be their friend, and that he helps them against the common enemy who would take a portion or all the profits they otherwise might get. Likewise, the trade union employer is unpopular with his class, for they know that he is working in the interest of the other side, but he is popular with the workman, for he knows that this man, though a member of the employing class, is his ally and his friend. So long as industry is operated by two classes in hostile camps there will be no compromise and no toleration of a man who is not loyal to his kind.

Trade unions in this regard are not unlike any other class. The doctors and the lawyers, the brokers and the bankers—in short, all sorts of trades and professions—organize for their own protection. Every one knows how doctors and lawyers regard those members of their profession who will not be bound by their rules as to charges, advertising, and generally such conduct as they term the ethics of their profession, which in its analysis is the establishment of such rules and regulations as, in their opinion, tend to the improvement of their own condition. Of course, doctors and lawyers, like trade unionists, will stoutly

insist that these rules and regulations benefit the public more than their own craft or profession. Perhaps this is true, but, whether true or not, the instinct of self-preservation causes each member to regard one who wilfully stands outside as an enemy to his craft.

But the law has never said that even theoretically a man has any such inalienable right. A man's right to work, like every other right, has always depended upon what he does and how he does it. In short, as to whether his means of exercising this right conforms to the public good. Long since the United States excluded the Chinese from America and forbade employers from going to any foreign country and contracting to bring labor here. This rests upon one principle alone, that the maintenance of a certain grade and scale of living compensation for labor is vital to the interests of our people, and that the protection of workingmen in this rate of wages is the protection of the land. If it is right to protect American workmen against the cut-throat competition of Chinamen and foreign contract labor, then the same logic makes it right to protect them against unjust competition at home, against the aggressions of the vicious workman, the ignorant workman, the weak workman, the woman and the child. It matters not whether law makers have ever carried legislation to this point. The reason for the one is the same as the other, and the workman has the same right to make his own rules and regulations and to protect it by contract in the one case that he has in the other.

But the law which has never been overfriendly to labor has gone much further and has recognized every principle for which the

union contends in the closed shop. The right to legislate as to the sanitary conditions of the shops and factories, safety of railroad equipment and appliances, hours of work of women and children and even men, and especially conditions in dangerous trades and callings has long been recognized and approved, and without this right the master would be left with the unrestricted power to maim and kill, to possess and destroy and starve, provided he could find men, women and children so weak and helpless that they would choose the hazardous employment rather than be left without work.

The old doctrine of the unrestricted right to buy labor in the cheapest market, unfettered and unhindered by any conditions of sanity, safety or humanity has long been obsolete in every civilized land. Most countries have gone so far as to protect even animals against abuse and overwork and underpay. Whether man would need this protection if natural opportunities were free and he could exercise his vaunted inalienable right to work, is not worth the while here to discuss. Man has not a right to apply his energy to the bounties of nature until the master gives him a chance to work, and so long as this right is so monopolized that he must look to the employer for a job he is forgetful of himself and recreant to his class, if he fails to impose all reasonable restrictions and conditions, and exact all just terms in the service that he sells.

It is one of the fundamental principles of trade unionism that each member is responsible for his brother's condition. As a nation may go to war to protect one of its subjects,

so the duty and concern of the union is to preserve the rights of its humblest member. This it cannot do without an organization of men who are ready and willing to stand or fall together.

That each is responsible for the rest is not a maxim that trade unionism alone has laid upon its members. The law has enforced this responsibility on workmen, sometimes to the most unjust and unreasonable degree. The employer insists that he has the absolute right to employ and discharge at will, and yet the courts always insist that every workman is responsible for the negligence and lack of skill of his fellow workman, and if he is not satisfied to assume this burden, he must quit his job. The land is full of cripples and widows and orphans whose injuries were caused by the negligence of a fellow servant, whom the employer forced upon the workmen. And the courts turn out these cripples and widows and orphans without redress upon the theory that each workman is responsible for his fellow. In a railroad employing fifty thousand men, each workman cannot personally know all the rest, but so long as the courts have said that they must be responsible for their conduct they certainly have a right to say that they will work only with men who have enough regard for their fellows to join them in a labor union for their self-defense.

The position of trade unionism as to the open shop, as well as to most other questions is generally misstated and never understood. Of course, the union has no power or right through force and violence to compel the employer to hire only union men. All they can do is to say that they will not work for any

one who employs non-union men either directly in his factory or mill, or indirectly by the material with which he works.

The right of the union to take this position is a question of ethics, not of law. There can be little doubt of the legal right of a workman to refuse to work for any employer for any cause good or bad that is sufficient to himself. While it is possible that here and there some judge may have denied this right, these are very few and far between. The courts have uniformly decided that employers may refuse to hire union men and may even boycott union men and send them out to tramp from state to state in search of work, and there can be no doubt of the right of workmen to refuse employment where non-union men are put by their side.

The question, then, is purely one of ethics and of union policy, which latter question is in the province of the organization alone.

One of the chief objects of the trade union is to form such a complete and perfect organization of its craft that through their officers and agents they will be able to make a collective bargain with their employer. To do this the craft must have such a large proportion of organized men as to make it impossible, or, at least, undesirable for the employer to deal with individual men. That employers always chose to deal with individuals, except where the strength of the union compels its recognition, is proven by the whole history of trade unionism. From the time when the employers were able to make laws absolutely forbidding unionism down to the present day every device and means has been resorted to that the individual workman should be obliged,

unaided, to make terms with his employer, or, rather, to accept such terms as the master saw fit to impose. The acceptance of collective bargaining by employers in the first instance has always been strongly against their will. This has been fought as every new privilege and right gained by the common people has ever been contested by the ruling class.

But when full recognition of the union has been granted in good faith; when the employer concedes the right to organize, the right to representation, the right to collective bargaining, then there can no longer be any reasonable or honest objection to the closed shop on the part of the employer. Of course, if the union is narrow and exclusive and fixes hard or unreasonable terms of membership or harshly and unjustly limits apprentices so as to work a hardship to the laboring class, then the workman has the right to object. Doubtless, in the history of trade unionism this has many times occurred, but it is not in line with its principles and policies, and has no necessary connection with the closed shop. The rule of trade unions is to urge all members of the craft to join on the easiest terms. No doctrine, or creed, or condition of any kind is required or imposed—except allegiance to the union and a purpose to stand together in making contracts, and fixing terms and conditions for the service of its members. Of course, too, it must be assumed and agreed, as is always the case, that the union shall at all times be able and ready to furnish a sufficient number of competent workmen, on the agreed terms, to meet the employers' desires. The master does not need to employ any man who comes, he may pick and choose according to his will,

subject only to the condition that he must have union men.

The battle waged by trade unions to gain and keep some independence for the workmen has been long and costly, and their rules and regulations have grown from the hard and bitter experience they have passed through. The novice is always ready to criticise every business he does not understand; any person not familiar with the running of trains can readily see how unreasonable are the rules laid down by the railroads charged with the lives and safety of their patrons. A closer examination and a better knowledge shows how most of the rules, at least, are not only reasonable and just but essential to the safe conduct of the road. So the novice, especially the prejudiced novice, finds the rules and regulations of trade unions arbitrary, senseless and unjust. A closer study would show them how all of these have arisen from the necessity to meet conflicting interests and a wily enemy ever on its guard. **For the history of trade** unionism, as, in fact, the history of the rise of the common people toward the measure of independence they now enjoy, is one long tale of struggles, defeats and victories, and every single step in their progress has been against the most stubborn opposition and at the greatest cost.

The demand for the closed shop is nothing but the means that experience has shown is essential to protect the liberty they have won and give some vantage ground for other triumphs yet to come.

To establish a trade agreement, a recognition of the union is a most important step, but to protect it when established is of no less

concern. The enemy is ever busy, always resourceful and ready to attack directly or indirectly, plainly or covertly, fully or in detail, and the army of trade unions must carefully guard each point that might be subject to attack. The so-called open shop furnishes the best possible means to drive the organization from every point of vantage, and in the end to disrupt and destroy. The closed shop is the only protection of unionism for its trade agreement and the defense of its individual men.

The master always claims the right to hire and to discharge as he sees fit. This is one of the privileges of being a master. The master can choose his man, but all men cannot choose their masters. This does not come from an agreement alone, it comes from the facts of life. The master can afford to wait, he is not dependent on this man or that. The man must have his job, he cannot wait. So long as the master has the power to hire and discharge, human nature dictates that he discharge those who for some reason he does not want, and that he hire those whom he desires. The men he does not want are the ones who are hostile to his interests, who interfere and hinder and hamper in his one desire — the making of profits for himself. The men he especially does not want are the union men, always the most courageous, the most independent, the most insistent on their rights. And of the union men, those who are the most active, the officers and the agitators, are always marked to "walk the plank." The master is not bound to give excuse. It is his to command; he dismisses the man, because he does not want him. Even if he found it best to give a reason, it is always easy to find a reason for anything

you really want to do. No man can long serve any employer without making some mistake; errors of judgment and mistakes are inherent in the nature of man. For instance, a motorman cannot long run a car in a crowded street without accidents. For accidents are the common lot. But the mistake of the one servant is overlooked and that of the other met with instant dismissal. The open shop means only an open door through which to turn the union man out and bring the non-union man in to take his place. This is not theory. The history of unions has shown it over and over for so many years that even the novice knows that his bread is in constant peril in the open shop. Not only does this system furnish the opportunity to destroy the union by the discharging of its members, but the menace is ever present like a sword above the victim's head. He knows that his job may be and often is dependent entirely upon his lack of interest in the union, which to him is all important, both to himself and his fellow workmen.

But aside from the question of direct discharge, the open shop is full of annoyances and danger for the workman. Every man desires to do the best he can. He looks for the largest returns for the smallest exertion of energy and strength. In any great institution there are many places of vantage; many jobs that are easy and many more that are hard. Here the employer, or, more often, the boss, has an immense leverage upon his men. As a general rule, the boss is more feared than the employer himself. His term of service depends on the good will of the employer, and his interest is ever leading him to truckle to all of his master's feelings and desires. The

employer does not want the union, the boss simply hates the union; thus the promotions, the easy places, the favors, all fall to the non-union workmen, whose presence and whose attitude is ever helpful to the employer and a menace to his fellow workman. If some one is to be relieved for a day, if a laborer is given extra work, if a workman is specially commissioned for an important duty, and if some one is to be promoted it is always the non-union man. This is his reward for minding his own business. In other words, being unfaithful to his class. Union men are much like other men. They can not long be persuaded to pay dues, to make sacrifices for their organization, when they find that others are favored or promoted over them, or receive special privileges because they are non-union men.

The very reason that keeps men from joining the unions of their craft makes them more servile and cringing to their employers; makes them ever subservient to his demands. They have learned well the lesson of the masters that to thrive you need only work hard and do all in your power to get the good opinion of your boss. So this class is ever ready to submit to encroachments; to take longer hours; to consent to poorer conditions; to make no trouble over unsafe tools, and to even let their wages be reduced. If women are employed to take the place of men, and children in turn drive the women out, this is no concern of theirs. Perhaps from their families they may even be able to furnish the women and children to do the work.

It is not so very long since a large part of the coal of England was mined by women,

since they were even harnessed to coal cars down deep in the earth, and on their hands and knees drew cars of coal from the darkness up to a point where they were relieved by mules. It is not long since little children from 8 years of age were placed in these mines with their fathers and mothers and were penned in the constant whirr and din of the spinning wheels of England for 10, 12 and even 14 hours a day, and it is due to the trade unionist of England that these inhuman conditions are gone forever. But every step of advance was stubbornly fought by employers who violently contended that not only their fortunes, but the safety and glory of the British empire rested upon the unpaid labor of these helpless slaves. And if trade unionism today should flag or grow weary, should hesitate or falter, should give up its demands for the recognition of its union, its collective bargains, and its closed shop, if the field should be abandoned to the employers and their agents the great sea of weak and helpless men and women and little children would sweep away the industrial conditions that organized labor has won through its devotion and its struggles, and America would live over the dark industrial history that England has passed through.

It will not do to say that employers are too wise and too humane, they are employers and are victims of the markets in which they buy and sell. The market is not patterned from the best employer, but is as stupid and brutal as its worst.

To prevent trade unionism from being conquered in detail; to save its members from being thrown out of the open door to make

room for the servile and the weak; to maintain in shop and mill the best conditions that unionism has won, and to look forward to others better still; to save the workman from his once long hours of toil and to provide a day shorter yet, needs every effort of every union man, and without the right to protect themselves by refusing to work with those whose weakness or stupidity makes them recreant and unfaithful to their class, trade unionism can neither hold that which it has won nor look forward to greater victories still.

But aside from these constant aggressions of the employing class trade unionism cannot be true to its own members without the right to demand the closed shop. The expenses and burdens of the union are no small item to the member who receives but little pay for the work he does. As a price for the protection of the union the members must give up their earnings to support the organization; they must be ready and willing to contribute to any brother on a strike or in need of help; they must be ready at a minute's notice and at whatever inconvenience and sacrifice to self and family to lay down their tools and go out on a strike—a strike always doubtful, dangerous and uncertain; a strike which may be for some one else, and over no grievance of his own, a strike which may bring victory, and again may mean not only failure to accomplish the desired result, but loss of his job, his means of life. It may mean even the blacklist that shall send him branded up and down the land, with no chance to earn his bread.

All these chances and dangers, not less than those of a soldier on the field, the trade unionist assumes for his devotion to his cause

and his faith that united action and unbounded loyalty is the duty of every member of his craft. That his devotion through all the years has brought labor no mean reward, and through labor and the humanizing condition for which trade unonism has ever stood brought strength and greatness to the race, is as much an established fact as the effect and influence of a religion or any other social movement of the race.

The dangers that the unionist have encountered, too, have come from the non-union workman, who not only refuses to unite with him, but often joins the enemy at the most critical time and gives his energy and his labor to defeat his class. And the hard won victories of unionism have been won, not only in open contest with the employer, who might be supposed to be on the other side, but have been won against the cowardice and treason of these same non-union men.

But however the non-union man may join the enemy to defeat shorter hours and better wages, when he has lost his fight and the unions have triumphed, he is always the first man to demand the rewards of another's efforts and to profit by the courage and devotion of the men he did his best to defeat and to betray, and the employer, too, realizing that this man has given all the aid he could, is ever ready to pay him for his disloyalty to his class. In the heat of the contest the employer gladly gives this workman more than the union demands, and when the fight is over, of course, places him on at least equal terms.

If the man who not only refused to help, but joined the enemy in time of war, shall be allowed, without danger or cost, to reap the

fruits of the union's victory, then few men will be found who will assume the danger and the cost. If the rewards of victory can come to him who made no efforts and took no risk, but profits from the privations and suffering of his fellows, then most men will prefer to take that course. To say that the fruits of victory should come without effort, nay, as a reward for cowardice and disloyalty, is neither right in the realm of ethics nor in the practical work-a-day world.

The reward is for the men who have borne the heat and burden of the day, and unless it shall be reserved for them and those whom they wish to aid, there can be no reason for sacrifice and no reward for fidelity. Men may willingly, even cheerfully work for the weak and humble, for those not able to protect themselves, but it is asking too much of human nature to require that they shall brave disaster and defeat for the enemies who seek to undermine and destroy their cause.

No one claims that all trade unionists are wise or even honest, much less that they have not made endless mistakes in the past and will not continue to err while time shall last. Neither is trade unionism an ideal institution. It was evolved to serve a purpose and to perform a duty in the upward march of the human race. It was made to fit a condition of society divided into the employing class and the serving class. Its mission is to protect the weak against the strong. In the great industrial strife that has come down through the ages and which will prevail until the capitalist and the laborer are one, trade unionism has fought the battles of the workman. And in fighting for the wage-earner it has fought

for greater liberty to man. War and strife are not ideal states, but they have been ever present with the human race, and so long as the war of classes shall continue, the weak and helpless must ever look to trade unionism as its chief champion and its most powerful defender. But when its work is done, and class struggles are at an end, Trade Unionism will be no more. Then all men will be brothers and the highest good of all will be the fond desire of each.

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The Skeleton in the Closet

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THE SKELETON IN THE CLOSET

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THE SKELETON IN THE CLOSET

THE SKELETON IN THE CLOSET

The closet has so long been allotted to the skeleton that we have come to regard this room as its fit and natural home; it has been given over to this guest because it is the darkest, the closest and least conspicuous in the house. The door can be securely fastened and only now and then can the grating bones be heard by the world outside. Still, however, secluded and unused this guest chamber seems to be, and however carefully we bolt the door and darken every chink and crevice in the walls, we are ever conscious that the occupant is there, and will remain until the house is closed, and the last tenant has departed, never to return. The very fact that we try so hard to keep the skeleton in its proper room, makes it the more impossible to forget that it is there. Now and then we awake with a start at the thought of what might happen should it break the door and wander through the house, and then stray out into the wide world, and tell all the peaceful, trusting neighbors from what house it stole away; and yet we are somehow

conscious that the rumor of its dread presence has already traveled as far as we are known. Man is a wonderfully adaptable animal; he fits himself easily into the environment where he is placed. He passes from infancy to childhood and from childhood to boyhood as smoothly as the placid river flows to the waiting sea. Every circumstance and surrounding of his life seems to have been made for him. Suddenly a new desire takes possession of his soul; he turns his back on the home of his childhood days and goes out alone. In a little time a new family is reared about him, and he forgets the group that clustered round his father's hearth. He may lose a leg or a fortune, and he soon conforms to his changed condition and life goes on as naturally and as easily as before. A child is born beneath his roof; it takes a place within his heart and home, and in a little while he can scarcely think of the day it was not there. Death comes, and a member of his little band is carried out, but time drops its healing balm upon the wounds and life goes on almost unconscious that the dead has ever lived. But while we adjust ourselves naturally to all things living and to ever varying scenes, the skeleton in the closet is always an intruder, no matter how long it may have dwelt beneath the roof. Even

though we may forget its actual presence for a little time, still no scene is so perfect and no enjoyment so great but we feel a cloud casting its shadow across our happiness or the weight of some burden on our soul; and when we stop to ask the cause, the grinning skeleton reminds us that it is with us even here.

This specter stands quite apart from the other sorrows of our life; age seems powerless to forget, and time will not bring its ever-fresh, recurring scenes to erase the memory of the past. This is not because the skeleton is really such a dreadful guest. The kind and loving ivy creeps tenderly around each yawning scar and crumbling stone, until the whole ruin is covered with a lovely green. The decaying pile stands free and open to the sun and rain and air. It does not hide its head or apologize for the blemishes and seams that mark its face, and a kind, forgiving nature takes the ruin, scars and all, and blends these with her softening years and lovely face into a beautiful harmonious whole; but unlike the ruin, the skeleton in the closet is a neglected, outcast child. With every breath we insist that there is nothing in the room. We refuse to take it to our hearts and homes and acknowledge it as our own. We seek to strangle it to death, and each fresh attempt not only shows our murderous design,

but proves that the skeleton is not a pulseless thing but is endowed with immortal life. The brighter the fire-light that glows around our hearth, the more desolate and drear sounds the wail of the wind outside, for through its cold blasts wanders the outcast, whose rightful place is in the brightest corner of the room.

Our constant annoyance and sorrow at this dread presence is not caused by the way the skeleton behaves to us, but from the way we treat our guest. If we looked it squarely in its grinning skull, it might not seem so very loathsome to the sight. It has the right to grin. It may be but a grim smile over the consciousness that it has sounded the last sorrow and that henceforth no greater evils are in store; it may be a mocking, sardonic grin at the thought of our discomfiture over its unwelcome presence and the knowledge that we cannot drive it out.

There is no truer index to real character than the way we treat the skeletons with which we live. Some run to the closet door, and try to lock it fast when a neighbor comes their way. If perchance any fear of discovery is felt, they stand guard outside and solemnly protest that there is nothing in the room. Their anxiety and haste plainly show fear lest their hated

guest shall reveal its face; and of course there rises in the neighbor's mind a vision of a skeleton more horrible by far than the one inside the door or than anyone can be. If the luckless jailer really fears that the rattle of the prisoner's bones has been heard outside, he feels it his duty to carefully explain or tediously cover up every detail and circumstance that caused the presence of the specter in the house. All this can only show that the guest is terrible to behold or that the jailer is so poor and weak that he himself is a helpless prisoner to his foolish pride and unmanly fear. It can only serve to emphasize the presence he tries so vainly to deny. There are also those who know that their skeleton has been seen, or who having lost all else but this persistent, grinning guest, drag it out and parade it in the world to gain the sympathy or the money of their neighbors and their friends, like the crippled beggar standing on the corner holding out his hat to every passer-by. The true man neither guiltily conceals nor anxiously explains nor vulgarly parades. He lives his life the best he can, and lets it stand for what it is. A thousand idle tales may be true or false. One may have seen but certain things, and placed him with the saints. Another little soul, who never felt the breadth and depth of human life, may have

seen his scars alone, and cast him out. But standing by his side, or clasping his strong, sympathetic hand, no one thinks of halos or scars or asks an explanation of this or that, for in his whole being is felt the divine presence of a great soul, who has lived and loved, sinned and suffered, and been strengthened and purified by all.

The skeleton is really kind that it only grins as we look it in the face. Of all our household it has received the hardest treatment at our hands. It has helped us more than any of the rest, and been locked in the closet for its pains. It may perchance have come at our own invitation bringing us the keenest, wildest joy our life had ever known. We gladly drained the pleasure to the dregs, and then coolly locked the memory close in the darkest hole that we could find. The day it came, has well nigh faded from our minds, and the mad, wild joy we knew can never more be awakened from the burned-out passions of the past, but the skeleton, which rose up grim and ghastly from the dying flame, remains to mock and jeer and make us sad. And now when the day is spent and the cup is drained, we charge the poor specter with our lasting pain, and forget the joy it brought. We look with dread at these mocking, grinning bones, which we cannot

drive away, and we forget the time, long, long ago, when those dry sticks were covered up with beautiful and tempting flesh.

It may be that we shall always shudder as we hear the rattle of the bones when we pass the closet door, but in justice to the inmate, we should give him credit for the joys of long ago. And this brings us back to the old question of the balancing of pain and pleasure, good and evil, right and wrong. It may be that in the mysterious adjustment of nature's balances, a moment of supreme bliss will outweigh an eternity of pain. In the infinite economy, which life counted for the more,—that of Napoleon, or the poor French peasant that passed through an obscure existence to an unknown grave? The brief glory of Austerlitz was followed by the bitterness of Waterloo, and the long silence of an exile's life, while the peasant trod his short path without ambition, and filled a nameless grave without regret. Which is the greater and finer, the blameless life of the patient brute, or the winding, devious path of a human soul? It is only the dull level that brings no sorrow or regret. It is a sterile soil where no weeds will grow, and a bare closet where no skeleton will dwell.

Neither should we remember the skeleton

only for the joy it brought; from the day it came, it has been the greatest benefactor that our life has known. When the mad delirium had passed away, and the last lingering fragrance was almost spent, this despised skeleton remained as the sole companion, whose presence should forever bind us back to those feelings that were fresh and true and straight from nature's heart, and that world which once was green and young and filled with pulsing life. As the shadows gather round our head, and our once-straying feet fall mechanically into the narrow path so straight aand even at the farther end, we may shudder now and then at the thought of the grim skeleton whose life is so far removed from our sober later selves; but with the shudder comes a spark, a flash of that great, natural light and heat that once possessed this tottering frame, and gave a glow of feeling and a strength of purpose so deep and all-controlling that the artificial life of an artificial world seems no more than a dim candle shining by the glorious sun.

It is the exhausted emotions of age, which men call prudence, that are ever warning youth of the follies of its sins. It is the grinning skeleton, speaking truly from the memory of other days, that insists that life's morning held the halcyon hours. Does old age outlive the

follies of childhood or does the man outgrow the wisdom of youth? The most vociferous preachers are often those whose natural spirits have led them to drink the deepest of life. They are so foolish as to think that others can be taught by their experiences, and mumbling grey-beards endorse the excellence and wisdom of the sermons they preach. They are not wise enough to know that their prattle is more vain and foolish than the babblings of their childhood days. It was the growing, vital sap of life that made them children years ago; it is the icy, palsying touch of age that makes them babbling, preaching children once again. As well might the calm and placid lake teach the beauty of repose to the boiling, seething cataract, that thunders down Niagara's gulf. When the troubled waters shall have reached the lake they shall be placid too. Nature is wiser far than man. She makes the first childhood precede the second. If the age of prudence came with youth, it would be a dull and prosy world for a little time; then life would be extinct upon the earth and death triumphant over all.

But these are the smallest reasons why we should venerate the neglected skeleton, which we have ruthlessly cast into the closet as if it were a hideous thing. This uncanny skele-

ton, ever thrusting its unwelcome bones into our presence and our lives, has been the most patient, persistent, constant teacher that all our years have known. We look backward through the long dim vista of the past, back to the little trusting child that once nestled on its mother's breast and from whose loving lips and gentle soul it first was a benediction to the life that was once a portion of herself. We remember still this mother's words teaching us the way to live and telling us the way to die. We always knew that no selfish thought inspired a single word she said and yet time and time again we strayed and wandered from the path she pointed out. We could not keep the road and after while we did not try. Again our teacher told us of the path. He, too, was good and kind and knew the way we ought to go, and showed us all the bad results of sin, and still we stumbled on. The preacher came and told us of the beauteous heaven, straight at the other end of the narrow path, and the yawning gulf of hell to which our shifting footsteps led; but we heeded not his solemn tones, though they seemed to come with the authority of God himself. As the years went on, our mother's voice was stilled, the teacher's words were hushed, the preacher's threats became an empty, hollow sound; and in their place came

the grinning skeleton, born of our own desires and deeds; less loving than the gentle mother, more real and life-like than the teacher, saner and truer than the preacher's idle words. It was ever present and persistent; it was a portion of our very selves.

We detested and feared the hated thing; we locked it in the closet, and denied that it was there; but through the brightness of the day and the long and silent watches of the night, we heard its rattling bones, and felt its presence at our side. No teacher of our youth was like that grim and ghastly skeleton, which we tried to hide away. The schoolmaster of our early life took our fresh, young, plastic minds and sought to crowd them full of useless, unrelated facts that served no purpose through the years that were to come. These lessons that our teacher made us learn by rote filled so small a portion of our daily lives that most of them were forgotten when the school-house door was closed. When now and then we found some use for a trifling thing that we had learned through years at school, we were surprised to know that the pedagogue had taught us even this. In those early days it seemed to us that life would consist of one long examination in which we should be asked the names of states, the rule of three, and the words the

Romans used for this and that. All that we were taught of the great world outside and the problem that would one day try our souls, was learned from the copy books where we wrote the same old maxim until all the paper was used up. In after years, we learned that, while the copy book might have taught us how to write in a stilted, unused hand, still all its maxims were untrue.

We left school as ignorant of life as we commenced, nay, we might more easily have learned its lesson without the false, misleading theories we were taught were true. When the doors were opened and the wide world met us face to face, we tested what we learned, and found it false, and then we blundered on alone. We were taught by life that the fire and vigor of our younger years could not be governed by the platitudes of age. Nature was ever present with her strong and earthly grasp, her keen desires, her white hot flame. We learned the precepts of the books, but we lived the life that nature taught.

Our pathetic blunders and mistakes, and the skeleton that followed in their wake, remained to teach us what was false and point to what was true. This grim, persistent teacher made but little of the unimportant facts that the

schoolmaster sought to make us learn, and it laughed to scorn the preacher's doctrine, that in some way we could avoid the results of our mistakes and sins. It did not preach, it took its place beside us as another self and by its presence sought to make us know that we could not be at peace until we clasped it to our breast and freely accepted the unwelcome thing as a portion of our lives.

Only the smallest fraction that we learned in youth was assimilated and made a portion of ourselves; the rest faded so completely that it seemed never to have been. The teacher soon became a dim, uncertain memory of the past, whose voice had long since died away; but the skeleton in the closet never wearied nor grew old. It ever made us learn again the lesson we would fain forget; opened at each succeeding period of our lives the pages we would gladly put away, until, at last, the ripening touch of time and the specter's constant presence made us know. From the day it came beneath our roof, it remained the liveliest, wisest, most persistent member of the family group, the tireless, watchful teacher, who would neither sleep nor allow its pupil to forget.

It may be that there are lives so barren and

uneventful that this guest passes ever by their door, but unfortunate indeed is that abode where it will not dwell. The wide vistas can be seen only from the mountain top, and the infinite depths of life can be sounded only by the soul that has been softened and hallowed by the sanctifying touch of misery and sin.

Life is a never-ending school, and the really important lessons all tend to teach man his proper relation to the environment where he must live. With wild ambitions and desires untamed, we are spawned out into a shoreless sea of moving molecules of life, each separate atom journeying on an unknown course, regardless of the countless other lives it meets as it blindly rushes on; no lights nor headlands stand to point the proper way the voyager should take, he is left to sail an untried bar across an angry sea. If no disaster should befall, it does not show that the traveler is wise or good, but that his ambitions and desires are few or he has kept close inside the harbor line. At first we seek to swim the flood, to scale the rocky heights, to clutch the twinkling stars. Of course we fail and fall, and the scars our passions and ambitions leave, remain, though all our particles are made anew year after year. We learn at last to leave the

stars to shine where they belong, to take all things as they are and adjust our lives to what must be.

The philosophy of life can come only from those experiences that leave lasting scars and results that will not die. Rather than seek to cover up these gaping wounds, we should accept with grace the tales they tell, and show them as trophies of the strife we have passed through. Those scars are honorable that have brought our lives into greater harmony with the universal power. For resist it as we will, this infinte, loving presence will ever claim us as a portion of its self until our smallest fragments return once more to earth, and are united with the elements from which we came.

No life can be rounded and complete without the education that the skeleton alone can give. Until it came we never knew the capacities of the human soul. We had learned by rote to be forgiving, kind and true. But the anguish of the human soul cannot be told—it must be felt or never known. The charity born of true comradeship, which is the highest and holiest sentiment of life, can be taught by the skeleton alone. The self-righteous, who prate of forgiveness to their fellow men and who look down upon their sinning brothers from

above, are hypocrites or fools. They either have not lived or else desire to pass for something they are not. No one can understand the devious, miry paths trodden by another soul unless he himself has wandered through the night.

Those placid, human lives that have moved along a narrow, even path; that learned by rote the lessons that the churches and the schools have ever taught; whose perfection consists in refraining from doing certain things in certain ways; who never had a noble thought or felt a great desire to help their fellow men—those blameless, aimless, worthless souls, are neither good nor bad. They neither feel nor think; no skeleton would deem it worth its while to come inside their door.

The world judges the conduct of youth by the standards of age. Even when due allowance is made for the inexperience and haste of the young, it is assumed that youth and age are measured by the calendar alone. Few have ever been wise enough to know that every passion and circumstance must be fully weighed, before an honest verdict can be written down; and that therefore only the infinite can judge a human soul.

Though accursed, doubted, and despised, Na-

ture ever persists in her relentless plan. She would make us learn the lessons that youth so easily forgets. She finds us headstrong, unreasoning, and moved by the same feelings that sway the brute. She decrees that every act, however blind or wilful, must leave its consequences on our lives, and these immortal consequences we treat as skeletons and lock them up. But these uncanny specters wrap us closely in their bony arms; they ever peer with sightless eyes into our soul; they are with us if we sleep or wake, and their persistent presence will not let us sleep. It is the hated, imprisoned skeleton that we vainly sought to hide away, that takes an untamed, fiery soul within its cruel, loving clasp, and holds it closely in its unforgiving grasp until the vain longings and wild desires of youth are subdued, and cooled, and the deeper harmonies of life are learned. It is the hated skeleton that finds within our breast a heart of flint and takes this hard and pulseless thing and scars and twists and melts it in a thousand tortuous ways until the stony mass is purged and softened and is sensitive to every touch.

It is this same despised skeleton that finds us vain and boastful and critical of other's sins, that watches every word we speak and even each unuttered thought; it is with us

when we tightly draw our robes and pass our fellow on the other side; it hears us when we seek to show how good we are by boasting of our neghbor's sins; for every spot of black or red that we see upon another's robes, it points its bony fingers to a scar upon our heart, to remind us that we are like the rest; and the same finger ever points us to our wounds until we feel and understand that the clay the Master used for us was as weak and poor as that from which he made the rest.

However blind and stubborn we may be, however long we deny the lesson that the skeleton would teach, still it will not let us go until with perfect peace and harmony we look at all the present and the past, at all that was, and all that is, and feel no regrets for what is gone, and no fears for what must come. It may be that our stubborn, stiff-necked soul will still persist until the hair is white and the heavy shadows hang about our heads, but the skeleton with his soothing, softening ally, time, sits with the last watchers at our suffering bed, and goes if need be, to the silent grave, where alike the darkest crimson spot and the softest, purest clay are reunited once again with the loving, universal mother who has forgiven all and conquered all. It matters not how high we seem to climb, or what the care-

less world may think for good or ill. It matters not how many small ambitions we may seem to have achieved. Even the unworthy cannot be forever soothed by the hollow voice of fame. All triumphs are futile without the victory over self; and when the triumph over self is won, there are no more battles to be fought, for all the world is then at peace. It is the skeleton in the closet pointing ever to the mistakes and maladjustments of our past, the skeleton standing there before our gazes that makes us still remember where our lives fell short; that teaches us so slowly but so surely to turn from the unworthy victories and the dire defeats of life to the mastery of ourselves. It is the skeleton from whom we learn that we can live without the world, but not without ourselves.

Without the skeleton we could never feel another's sorrow, or know another's pain. Philosophy and theology cannot tell us how another's life became a hopeless wreck. It is ourselves alone that reveals the precipice along which every footpath leads. It is from life we learn that it is but an accident when we fall, and equally an accident when we keep the path. The pupil of the schools may look down with pitying glance upon the unfortunate victim of what seems to be his sin. He may point

to a love that will forgive and kindly plead with him to take another path, but the wayfarer that the skeleton has taught will clasp this fellow mortal to his heart, for in his face he sees but the reflection of himself. The wise and good may forgive the evil and the wrong, but only the sinner knows that there is no sin.

The charity that is born of life and sin is not fine because of its effect on someone else, but for what it does for us. True charity is only the sense of the kinship of all living things. This is the charity that neither humiliates nor offends. It is the sense that brings a new meaning to life and a new purpose to the soul.

Let us do simple justice to this neglected, outcast guest, the useful, faithful teacher of our lives. Let us open the closet door, and let the skeleton come out, and lock the schoolmaster in its place. Let us leave this faithful friend to roam freely at its will. Let us look it squarely in the face with neither fear or shame, but with gratitude for the lessons it has taught. It may be that the jeering crowd will point in scorn as they see us with the grewsome figure at our side, but when we fully learn the lesson that it came to teach, we shall need to look no more without for the ap-

proval or disapproval of our acts, but seek to satisfy ourselves alone. Let us place a new chair beside the hearth, in the cosiest nook, and bid the skeleton take its place as the worthiest guest. Let us neither parade nor hide our new-found friend, but treat it as a fact of life—a fact that is, a fact that had the right to be, and a fact that taught us how to find ourselves. Let us not forget the parents, who watch us in your youth, and the friend that were ever good and true. But above all, let us remember this grim and silent teacher, who never neglected or forgot, who showed us life as only it could show, who opened up new vistas to our soul, who touched our human hearts, who made us know and loved our fellowman, who softened and mellowed and purified our souls until we felt the kinship that we bore to all living things. Until it came we knew only the surface of the world. Before it came, we had tasted of the shallow cup of joy and the bitter cup of pain, but we needed this to teach us from the anguish of the soul that there is a depth profound and great, where pain and pleasure both are one. That there is a life so deep and true that earth's rewards and penalties alike are but a hollow show; that there is a conquest of ourselves, which brings perfect peace and perfect rest.

WALT WHITMAN

The work of Whitman stands alone in the literature of the world. Both in substance and construction he ignored all precedents and dared to be himself. All the rules of form and taste must be unlearned before the world can accept his style as true literary art. Still it may be that Walt Whitman was a poet, and that sometime the world will look back and marvel at the mechanical precision and glittering polish that confines and emasculates for the sake of a purely artificial form.

Measured by the common rules, Whitman's work is neither poetry nor prose; it is remotely allied to the wild chanting of the primitive bards, who looked about at the fresh new marvels of earth and sky and sea, and unhampered by form and rules and customs, sang of the miracles of the universe and the mysteries of life. Whitman seems one of those old bards, fresh from the hand of nature, young with the first creation, the newest handwork of the great Master, untaught in any schools, unfettered by any of the myriad chords, which time is ever weaving about the brains and hearts and consciences of men as the world grows gray; a

primitive bard of nature, born by some chance or accident in this old, tired, worn-out world, dropped into this Nineteenth century with its machines and conventions, its artificial life, its unnatural morals and its fettered limbs. He alone in all the ages seems to have been specially given to the world, still fresh with the imprint of the Creator's hand, and standing amid all our false conventions, natural, simple, true, "naked and not ashamed." To the world with its crowded cities, its diseased bodies, its unnatural desires, its narrow religion, and its false morals, he comes like a breeze of the morning, from the mountains or the sea. Aye, like a breath of that great, creative life, which touched the fresh world and brought forth the green grass, the sparkling waters and the growing, beauteous, natural earth.

No one ever fell in love with Whitman's work for its literary art, but his work must live or die because of his philosophy of life and the material he chose from which to weave his songs. It is in his whole point of view that Walt Whitman stands so much alone. No one else has ever looked on the universe and life as this man did. If religion means devotion to that great unseen power that is ever manifest in all of nature's works, then Walt Whitman was the most reverent soul that ever lived. This

man alone of all the world dared defend the Creator in every part and parcel of his work. The high mountains, the deep valleys, the broad plains and the wide seas; the feelings, the desires, and the passions of man; all forms of life and being that exist upon the earth, were to him but several manifestations of a great creative power that formed them all alike, made each one needful to the whole, and every portion sacred through its Master's stamp.

And I will show that there is no imperfection in the present and can be none in the future,
And I will show that whatever happens to anybody it may be turn'd to beautiful results,
And I will show that nothing can happen more beautiful than death.

And I will thread a thread through my poems that time and events are compact,
And that all the things of the universe are perfect miracles, each as profound as any.
I will not make poems with reference to parts.
But I will make poems, songs, thoughts, with reference to ensemble,
And I will not sing with reference to a day, but with reference to all days.

Whitman's philosophy knew no evil and no wrong. The fact of existence proved the right of existence; in the great workshop of nature every tool had its special use and its rightful place.

The imperfections of the world come from the narrow visions of men. If the perspective is right, the universe is right. From the narrow

valley the house may look old and worn, the fences decayed, the fields barren, the woods scraggy and the cliff ragged and bare; but climb to the only place where either life or landscape can be rightly seen, the mountain top, and look once more. The hills, the valley, the stream, the woods, and the farms have melted and blended into one harmonious whole, and every imperfection has been swept away. The universe is filled with myriad worlds as important as our own, each one a tiny floating speck in an endless sea of space—each whirling, turning, moving on and on and on, through the countless ages, past and yet to come. No one can tell the purpose of their tireless, endless flight through space; but still we know that each has an orbit of its own, and every world is related to the rest, and every grain of sand and the weakest, feeblest spark of power has its needful place in the balance of the whole. So all of good, and all of bad, and all of life, and all of death, and all of all, has the right to be and must needs be. Walt Whitman did not even know how to divide the evil from the good, but he sang them both alike.

I am not the poet of goodness only, I do not decline to be the poet of wickedness also.
What blurt is this about virtue and about vice?
Evil propels me and reform of evil propels me, I stand indifferent.

The universe can make no mistakes, every particle of energy that has permeated the world since time began, has been working toward a completer system and a more harmonious whole. There is a soul of truth in error; there is a soul of good in evil. From the trials and sorrows and disappointments of life, even from its bitterness and doubt and sin, are often born the holiest desires, the sincerest endeavors and the most righteous deeds.

Sometimes with one I love I fill myself with rage
for fear I effuse unreturn'd love,
But now I think there is no unreturn'd love, the
pay is certain one way or another,
(I loved a certain person ardently and my love
was not return'd,
Yet out of that I have written these songs.)

This is the old, old philosophy, ever forgotten, yet ever present. It is sure in the world of mechanics, it is equally true in the world of morals and of life. Nothing is lost; the force that once was heat is transformed to light; the flood that destroyed the grain, comes at last to turn the miller's wheel. What we call sin and evil make the experiences of life and go to the upbuilding of character and the development of man. We can know only what we have felt, and however much we try to deceive others, we can tell only of the experiences we ourselves have had. The poorest life is the one that has no tale to tell. In the

doubts and darkness of life, in the turbulence of mind and the anguish of the soul, it is most consoling to feel that resignation and confidence which comes from a realization that all is right and that you are master of yourself and at peace with God and man. This calm, optimistic, self-reliant philosophy is ever present with its consoling power in all Walt Whitman's work.

I have said that the soul is not more than the body,
And I have said that the body is not more than the soul,
And nothing, not God, is greater to one than one's self is,
And whoever walks a furlong without sympathy walks to his own funeral drest in his shroud,

And I or you pocketless of a dime may purchase the pick of the earth,
And to glance with an eye or show a bean in its pod confounds the learning of all times,
And there is no object so soft but it makes a hub for the wheel'd universe,
And I say to many man or woman, Let your soul stand cool and composed before a million universes.

And I say to mankind, Be not curious about God,
For I who am curious about each, am not curious about God,
(No array of terms can say how much I am at peace about God and about death.)

I hear and behold God in every object, yet understand God not in the least,
Nor do I understand who there can be more wonderful than myself.

Why should I wish to see God better than this day?
I see something of God each hour of the twenty-four and each moment then,

In the faces of men and women I see God, and in
my own face in the glass,
I find letters from God dropt in the street, and
every one is sign'd by God's name,
And I leave them where they are, for I know that
wheresoe'er I go,
Others will punctually come for ever and ever.

This is not the boasting of the ignorant egotist who vaunts himself above his fellow man, but the calm, conscious serenity of a great soul, who has learned the patient philosophy of life.

There is an egotism that is cheap and vulgar and born of ignorance alone. There is an egotism that comes from the knowledge that after all what we are depends not upon the estimate of the world, but upon the integrity and character of ourselves. This consciousness of individual worth brings that peace of soul, "which the world can neither give nor take away."

I know I am august,
I do not trouble my spirit to vindicate itself or be
understood,
I see that the elementary laws never apologize,
(I reckon I behave no prouder than the level I
plant my house by, after all),
I exist as I am, that is enough,
If no other in the world be aware I sit content.

One world is aware and by far the largest to me,
and that is myself;
And whether I come to my own today or in ten
thousand or ten million years,
I can cheerfully take it now, or with equal cheerfulness I can wait.

My foothold is tennon'd and mortis'd in granite,
I laugh at what you call dissolution,
And I know the amplitude of time.

Happy is the man that has climbed to the height on which Walt Whitman stood. Happy is he that has mastered the haste and impatience of youth, and is content to bide his time. Happy is he that has so far solved the problem of life as to know that reward is not received from others and cannot be withheld by others, but can be given only by ourselves. Such a man has struck the subtle harmony which unites his soul with the universal life and he knows that no one but himself can cut the cord.

To a great mass of men and women, Walt Whitman is known almost alone by that portion of his work called "Children of Adam." These poems have called forth the fiercest opposition and the bitterest denunciation, and if the common judgment is correct, they are obscene and vile. While this portion of his book is by far the smallest part, still, before the court of public opinion, he must stand or fall upon these lines. In one sense public opinion is right, for unless these stanzas can be defended, his point of view is wrong, and Walt Whitman's work will die. We need not accept all he did, or give unstinted praise to all his work, but his thought, and his point of

view will determine the place he shall fill in art and life.

It is in this work that the courage and personality of Whitman towers so high above every other man that ever wrote. It is easy for the essayist to speak in general terms and glittering phrases in defense of Whitman's work. His defenders have been many, but he alone has had the courage to speak.

It is not difficult to insist that his "A Woman Waits for Me" is a tremendous work, and as pure as nature's generating power. Still perhaps few would dare to read it aloud in an assembly of men and women. If Whitman is right, the world is wrong. This poem, and others of its like, in plain words deals of the deepest, strongest, most persistent feelings that move the sentient world. In proportion as they are deeper and stronger than any other, they should the more be the subject of thought and art. And still ages of established convention have made the world pretend ignorance until no one dares defend his right to life but this brave and simple man.

In both England and America, narrow interpretations of morality have almost stifled art. As remarked by a leading novelist—"All our literature is addressed to the young school girl." If it will not pass muster before her

eyes, it has no right to live, and almost no English or American author has been great enough to rise above these narrow conventions and write the natural and true. The artists of continental Europe have been less fettered and have taken us over a broader range and a wider field. Still while these authors have told more of life, they have treated these tremendous subjects by drawing the curtain only a little way aside, and giving us a curious, perverted, half stolen look, as if they knew that the picture was unholy and therefore tempting to the gaze. But Walt Whitman approached the human body and the mysteries of life from an entirely different view.

If any thing is sacred, the human body is sacred,
And the glory and sweet of man is the token of manhood untainted,
And in man or woman a clean, strong, firm-fibred body, is more beautiful than the most beautiful face.

If Walt Whitman could have drawn the veil from the universe and shown us the living God in all his majesty and power, he would have approached his throne with no greater reverence than when he stripped the human body and pointed to its every part fresh and sacred from its Maker's hand.

No true system of life and morals will exist until the holiest feelings and most potent and

eternal power is openly recognized and discussed with neither jest nor shame.

Walt Whitman was the great bard of democracy and equality; not simply the vulgar democracy of political rights and promiscuous familiarity, but the deep, broad, fundamental democracy that looks at all of nature and feels the unity and kinship that makes the universe a whole.

To Walt Whitman there could be no thought of class or caste. Each one held his certificate of birth from the same infinite power that, through all the ages and all the false and criminal distinctions of man, has yet decreed that all shall enter helpless and naked through the same gateway of birth, and each alike must go back to the fundamental mother, shorn of every distinction that man in his vain-glorious pride has sought to make. Whitman placed the works of nature above the works of man. He had no faith in those laws and institutions which the world has ever made to defraud, and enslave, and deny the common brotherhood of all. He believed that every child that came upon the earth was legitimate, and had an equal right to land, and sea, and air, and all that nature made, and all that nature gave.

Each of us is inevitable,
Each of us limitless—each of us with his or her
right upon the earth,
Each of us allow'd the eternal purports of the earth,
Each of us here as divinely as any is here.

Let this stanza speak to our conscience face to face—is it true or false? Can any but a blasphemer deny the divine right of every man upon the earth? And yet if this simple stanza is true, every law book should be burned and every court abolished and natural justice, unfettered and undenied, should be enthroned above the forms and conventions and laws, which, each and all, deny the integrity of the soul and the equal rights of man.

Through all the injustice and inequality of the world, the vision of democracy has still prevailed and ever must prevail as long as nature brings forth and takes back the master and the slave alike. But the aspiration for democracy is not always high and noble. It is easy to demand for ourselves the same rights enjoyed by our fellow men, but Whitman's democracy was on a higher plane.

I speak the pass-word primeval, I give the sign of
democracies,
By God! I will accept nothing which all cannot
have their counterpart of on the same terms.

These lines breathe the spirit of true humanity, the spirit that will one day remove all barriers and restrictions, and liberate the high

and low alike. For nothing is truer in life or more inevitable in the economy of nature than this sage thought:

Whatever degrades another degrades me,
And whatever is done or said returns at last to me.

It is a sad mistake to believe that injustice and wrong can injure only the poor and the weak. Every mean word and narrow thought and selfish act degrades the aggressor, leaves its mark upon his soul and its penalty in his life. So, too, no good effort is really lost, however it may seem to be. The kind word may be spoken to the deaf, the righteous effort be wrongly directed, the alms unworthily bestowed, but the heart that feels and the soul that tries has grown greater by the act.

The song is to the singer, and comes back most to him,
The teaching is to the teacher, and comes back most to him,
The murder is to the murderer, and comes back most to him,
The theft is to the thief, and comes back most to him,
The love is to the lover, and comes back most to him,
The gift is to the giver, and comes back most to him,—it cannot fail,
The oration is to the orator, the acting is to the actor and actress, not to the audience,
And no man understands any greatness or goodness but his own, or the indication of his own.

Not alone in his theory of personal equality was Walt Whitman a democrat in the highest

meaning of the term, but he distrusted the ease and effeminacy of modern life; he doubted and feared the polish and super-sensitiveness that precedes decay; he had no faith in hot-house plants, in pampered life, in luxury and repose. He believed in rugged, primeval nature, in the rocks and hills, the rivers and the pines; he loved the dumb and patient brute, and believed in stalwart men and strong women; in sunlight, rain and air.

I am enamour'd of growing out of doors,
Of men that live among cattle or taste of the ocean or woods,
Of the builders and steerers of ships and the wielders of axes and mauls, and the drivers of horses,
I can eat and sleep with them week in and week out.
I think I could turn and live with animals, they are so placid and self-contain'd,
I stand and look at them and long and long.

They do not sweat and whine about their condition,
They do not lie awake in the dark and weep for their sins,
They do not make me sick discussing their duty to God,
Not one is dissatisfied, not one is demented with the mania of owning things,
Not one kneels to another, nor to his kind that lived thousands of years ago,
Not one is respectable or unhappy over the whole earth.

Walt Whitman's work is not of the old, time-worn sort. When he speaks of love it is the love of life, the love of reality, the strong love of men, the intense love of women, the honest

love that nature made, the love that is; not the unhealthy, immoral, false, impossible love told in erotic prose and more erotic verse, and given to young girls and boys as the truth, to poison and corrupt with its false and vicious views of life.

But he sings of the common things, the democracy of every day; for it is the small affairs that make up life, and its true philosophy is to see the beauty and greatness and relation of these little things and not to pine for the seemingly momentous events, which can rarely come. The Alexanders, the Cæsars and the Napoleons are scattered only here and there in the great sea of human existence, and yet every life measured by just standards may be as great as these; and the soul that is conscious of its own integrity knows its own worth regardless of the world.

I do not call one greater and one smaller,
That which fills its period and place is equal to any.

Walt Whitman felt the music of the hammer and the axe as he felt the harmony of the symphonies of Beethoven, and he understood the art of the plow-boy in the field as well as the glorious creations of Millet.

The young mechanic is closest to me, he knows me well,
The woodman that takes his axe and jug with him

shall take me with him all day,
The farm-boy plowing in the field feeds good at the sound of my voice,
In vessels that sail my words sail, I go with fishermen and seamen and love them.

The soldier camp'd or upon the march is mine,
On the night ere the pending battle may seek me, and I do not fail them,
On that solemn night (it may be their last) those that know me seek me,
My face rubs to the hunter's face when he lies down alone in his blanket,
The driver thinking of me does not mind the jolt of his wagon,
The young mother and old mother comprehend me,
The girl and the wife rest the needle a moment and forget where they are,
They and all would resume what I have told them.

Walt Whitman's democracy did not end with sex. Man is not always a logical animal. Most of the practical democracy of the world has stopped with men, and generally with white men at that. The political equality of woman has only barely been considered; the still more important question, her economic independence, is yet a far-off dream. But Walt Whitman knew no limit to equality. With him equality meant equality. It could mean nothing else.

I am the poet of the woman the same as the man,
And I say it is as great to be a woman as to be a man,
And I say there is nothing greater than the mother of men.

Probably Walt Whitman would not have raised his hat to a woman on the street, nor

given her his seat in the car, simply because she was a woman. Both these may be well enough, but they grow from false ideas of women and of course through these false ideas women lose the most. Injustice and oppression can never be made up by chivalry and pretended courtesy. And the evil always is and must be the false relation which these create. Men expect to pay women for their political and economic freedom in theater tickets and by taking off their hats in public, and in the end women become willing to receive this paltry and debasing bribe.

"The Open Road," one of Whitman's masterpieces, is full of wholesome inclusive democracy.

Afoot and light-hearted I take to the open road,
Healthy, free, the world before me,
The long brown path before me leading wherever
I choose.

Henceforth I ask not good fortune, I myself am
good fortune,
Henceforth I whimper no more, postpone no more,
need nothing
Done with indoor complaints, libraries, querulous
criticisms,
Strong and content I travel the open road.

The earth, that is sufficient,
I do not want the constellations any nearer,
I know they are very well where they are,
I know they suffice for those who belong to them.

Here the profound lessons of reception, nor preference nor denial,

The black with his woolly head, the felon, the diseas'd, the illiterate person, are not denied;
The birth, the hasting after the physician, the beggar's tramp, the drunkard's stagger, the laughing party of mechanics,
The escaped youth, the rich person's carriage, the fop, the eloping couple,
The early market men, the hearse, the moving of furniture into the town, the return back from the town,
They pass, I also pass, anything passes, none can be interdicted,
None but are accepted, none but shall be dear to me.

But Walt Whitman's democracy was more inclusive still. It is almost becoming the fad to forgive the evil in others and to insist that, after all, their good qualities give them the right to kinship with ourselves, but this is only one side of true democracy. The felon is my brother, not alone because he has every element of good that I so well recognize in myself, but because I have every element of evil that I see in him. Walt Whitman was wise enough to see the feelings and passions that make others sin, and he was just enough and great enough to recognize all these feelings in himself.

You felons on trial in courts,
You convicts in prison-cells, you sentenced assassins chain'd and handcuff'd with iron,
Who am I too that I am not on trial or in prison?
Me, ruthless and devlish as any, that my wrists are not chain'd with iron, or my ankles with iron?

You prostitutes flaunting over the pavements or obscene in your rooms,

Who am I that I should call you more obscene than
myself?
O culpable! I acknowledge—I expose!
(O admirers, praise not me—compliment not me—
you make me wince,
I see what you do not—I know what you do not.)
Inside these breast-bones I lie smutch'd and choked,
Beneath this face that appears so impassive hell's
tides continually run,
Lusts and wickedness are acceptable to me,
I walk with delinquents with passionate love,
I feel I am of them—I belong to those convicts
and prostitutes myself,
And henceforth I will not deny them—for how can
I deny myself?

These lines are not a burst of poetic feeling, they are the sincere utterances of a brave philosopher and poet, who tells the truth about himself and about you and me. Let us be honest about sin. How do you and I differ from the murderer on the gallows, the prostitute in the street or the burglar in the jail? How wide a breach is there between coveting the house or home or seal skin coat of your neighbor and taking it if you can? How great a difference between making a sharp trade with your neighbor, getting more from him than you give to him, and taking outright what he has? Yet one is business, the other larceny. What is the distance between hating your neighbor, and wishing him dead: how great a chasm between feeling relief at his death, and killing him yourself? So far as the man is concerned, it is not the act that is evil, but the heart that is

evil. There is no difference between the committed and the uncommitted crime. Every feeling that makes every sort of crime is in the heart of each and every one. Nature has made the blood of some of us a little cooler, and has developed caution a little more, or fate has made the temptation a trifle less, and thus we have escaped,—that is, managed to conceal the real passion that boils and surges in our hearts. Until this is dead, evil is in our souls. Away with all this talk of superiority and differences. It is cant—pure, simple cant.

I will play a part no longer, why should I exile
myself from my companions?
O you shunn'd persons, I at least do not shun you,
I come forthwith in your midst, I will be your poet,
I will be more to you than to any of the rest.

Has man the right to be less kind than nature is? Have we the right by word or deed to pass judgment on our fellow man? Can we not learn of love and charity and hope from the sun, the rain, the generous earth, and the pulsing, growing spring? Hear Walt Whitman's word to a common prostitute:

Be composed—be at ease with me—I am Walt
Whitman, liberal and lusty as Nature,
Not till the sun excludes you do I exclude you,
Not till the waters refuse to glisten for you and the
leaves to rustle for you do my words refuse to
glisten and rustle for you.

Neither was it the magnanimous soul of

Whitman that was charitable and kind, but it was the truthful, honest man who saw his own goodness in the woman; and her sin, which after all was only an excess of kindness, in himself.

The regenerated world will be built upon the democracy Walt Whitman taught. It will know neither rich nor poor; neither high nor low; neither good nor bad; neither right nor wrong; but

I will establish * * * in every city of these states inland and seaboard,
In the fields and woods, and above every keel, little or large, that dents the water,
Without edifices or rules or trustees or any argument,
The institution of the dear love of comrades.

Walt Whitman was always and at all times an optimist. He never struck a despairing note or voiced a doubting strain. His hope was not anchored in blind faith or narrow creed. His optimism was not that of the cowardly fanatic who stubbornly shuts his eyes to avoid an unpleasant view. He looked abroad at all the world and called it good.

Optimism and pessimism in their last analysis are questions of temperament. They depend upon the eye that looks out, not upon the object that it sees. The pessimist points to the sunset, casting its lengthening shadows on the earth, and tells of the night that is coming on;

the optimist shows us the rosy dawn, the golden promise of a glorious day. The pessimist tells of winter, whose icy breath chills and deadens all the world; the optimist points to springtime with its ever recurring miracle of light and life. Is the pessimist right or is the optimist right—does the night precede the day, or the day precede the night? After all, are our calendars wrong—does the winter with its white shroud and cold face mark the ending of the year, or does the springtime with its budding life and its resurrecting power awaken the dead earth to joyous, pulsing life again?

Above the view of the optimist, who sees the morning and the spring, and the pessimist, who sees the evening and the closing year, stand a few serene souls, who look on both with clear eye and tranquil mind, and declare that all is good. The morning is right and the evening is right. It is beautiful to pass through the joyous gates of birth; it is good to be clasped in the peaceful arms of death. Rare Walt Whitman at thirty-seven, full of health and vigor and strength, with the world before him, and conscious of his genius and his power, sings in a burst of optimism:

I celebrate myself, and sing myself,
And what I assume you shall assume,
For every atom belonging to me as good belongs to you.

I loafe and invite my soul,
I lean and loafe at my ease, observing a spear of summer grass.

My tongue, every atom of my blood, form'd from this soil, this air,
Born of parents born here from parents the same, and their parents the same,
I, now thirty-seven years old in perfect health begin,
Hoping to cease not till death.

Again at seventy, looking back on a life well spent, conscious that the last few sands are running out, a confirmed invalid with palsied limbs and failing strength, looking death squarely in the face and just before him; with the same sweet smile, the same lovely nature, the same all-embracing philosophy, sings once again his optimistic song:

Not from successful love alone,
Nor wealth, nor honor'd middle age, nor victories of politics or war;
But as life wanes, and all the turbulent passions calm,
As gorgeous, vapory, silent hues cover the evening sky,
As softness, fulness, rest, suffuse the frame, like fresher, balmier air,
As the days take on a mellower light, and the apple at last hangs really finish'd and indolent-ripe on the tree,
Then for the teeming, quietest, happiest days of all!
The brooding, blistful halcyon days!

It must be that somewhere is a serene height where life triumphs over death. It must be that nature does not jar, and that the close of a lovely life is really as peaceful and as beautiful

as the decline of a perfect day; that each day rightly lived and every year well spent, must bring the pilgrim more in harmony with his journey drawing to a close.

The world has ever shuddered at death—has stubbornly closed its eyes and refused to look in its face, to take its hand, to think of its peaceful, forgiving, soothing touch, has ever called it enemy and never thought to caress it as a friend. Walt Whitman was wiser than the rest. His philosophy made him know that death was equally good, whether the opening gateway to a freer, fuller life, or a restful couch for a weary soul.

Whitman had solved the eternal riddle; he had conquered death; he looked at her pale form and saluted her as he would welcome a new birth. No bard ever sang a more glorious hymn than Walt Whitman sang to death.

Come, lovely and soothing Death,
Undulate round the world, serenely arriving, arriving,
In the day, in the night, to all, to each,
Sooner or later, delicate Death,
Praised by the fathomless universe
For life and joy, and for objects and knowledge curious,
And for love, sweet love—but praise! praise! praise
For the sure enwinding arms of cool, enfolding Death.
Dark Mother, always gliding near with soft feet,
Have none chanted for thee a chant of fullest welcome?

Then I chant for thee, I glorify thee above all,
I bring thee a song that when thou must indeed come, come unfalteringly,
Approach, strong deliveress,
When it is so, when thou hast taken them
I joyously sing the dead,
Lost in the loving, floating ocean of thee,
Laved in the flood of thy bliss, O Death.
From me to thee glad serenades,
Dances for thee I propose, saluting thee, adornments and feastings for thee,
And the sights of the open landscape and the high-spread sky are fitting,
And life and the fields, and the huge and thoughtful night,
The night in silence under many a star,
The ocean shore and the husky whispering wave whose voice I know,
And the soul turning to thee, O vast and well veil'd Death,
And the body gratefully nestling close to thee,
Over the tree tops I float thee a song,
Over the rising and sinking waves, over the myriad fields and the prairies wide,
Over the dense-packed cities all, and the teeming wharves, and ways,
I float this carol with joy, with joy to thee, O Death.

Whitman in his wheel chair, physically shattered and broken, but with a mind strong and serene, and at peace with all the world, waiting for the sun to set, is a lesson in optimism better than all the sermons ever preached. Without faith in any form of religion that the world has ever known, he had brought his life so in harmony with nature that he felt every beat of the great, universal heart, and with the confidence of certain knowledge he looked upon the fading earth and caroled a song as he sailed forth on that great unknown

sea, which is hidden in perpetual night, from all but the few great souls, whose wisdom and insight have given them the confidence and trust of a little child.

Joy, shipmates, joy!
(Pleas'd to my soul at death I cry,)
Our life is closed, our life begins,
The long, long anchorage we leave,
The ship is clear at last, she leaps!
She swiftly courses from the shore,
Joy, shipmates, joy.

Conscious of the integrity of his purpose, and the inherent righteousness of his life, moved and upheld by his broad philosophy and his patient, trustful soul, with no false modesty and with the same manly egoism that made him what he was—the kindest, gentlest, justest, broadest, manliest man—Walt Whitman asked the reward his life had earned.

Give me the pay I have served for,
Give me to sing the song of the great Idea, take all the rest,
I have loved the earth, sun, animals, I have despised riches,
I have given alms to every one that ask'd, stood up for the stupid and crazy, devoted my income and labor to others,
Hated tyrants, argued not concerning God, had patience and indulgence toward people, taken off my hat to nothing known or unknown,
Gone freely with powerful uneducated persons and with the young, and with the mothers of families,
Read these leaves to myself in the open air, tried them by trees, stars, rivers,
Dismiss'd whatever insulted my own soul or defiled my body,

Claim'd nothing to myself which I have not carefully claim'd for others on the same terms,
Sped to the camps, and comrades found and accepted from every State,
(Upon this breast has many a dying soldier lean'd to breathe his last,
This arm, this hand, this voice, have nourish'd, rais'd, restor'd,
To life recalling many a prostrate form;)
I am willing to wait to be understood by the growth of the taste of myself,
Rejecting none, permitting all.

When man has grown simpler and saner and truer—when the fever of civilization has been subdued and the pestilence been cured; when man shall no longer deny and revile the universal mother who gave him birth, then Walt Whitman's day will come. In the clear light of that regenerated time, when the world looks back to the doubt and mist and confusion of today, Walt Whitman will stand alone, the greatest, truest, noblest prophet of the age, a man untainted by artificial life and unmoved by the false standards of his time. In a sodden, commercial, money-getting age, he enjoyed all the beauty of the earth without the vulgar lust to own. In a world of privilege and caste, he felt and taught the brotherhood of man and the kinship of all living things. In an age of false modesty and perverted thought, he sang the sanctity of the body with the divinity of the soul. Against the agnostic and the Christian too, he defended every part and portion

of the faultless work of the creative power. Above the doleful, doubting voice of men, through the dreariest day and darkest night, in the raging of the storm and the madness of the waves, his strong, optimistic, reassuring note was ever heard above the rest, proclaiming to the universe that all is well. He saw that in a wise economy and a great broad way, that the false was true, the evil good, the wrong was right, and that over all the universe, pervading all its teeming life, a power omnipotent, beneficent and wise, was working to uplift, conserve and purify the whole. The poor, the weak, the suffering, the outcast, the felon, all knew him for their comrade and their friend. His great, inclusive, universal heart left no soul outside, but all alike he knew, the life of all he felt, and one and all he loved. In his vocabulary were no words of bitterness and hate, and in his philosophy no right to censure or to blame. In his every deed and thought he seemed to say:

"So I be written in the book of love,
I have no care about that book above,
Ease my name, or write it as you please,
So I be written in the book of love."

As the shadows lengthen and the daylight wanes—as the hair whitens and the passions cool, more and more do we learn that love is

the true philosophy of life; more and more do we revise the sterner judgments of our earlier years; more and more do we see that pity should take the place of blame, forgiveness of punishment, charity of justice, and hatred be replaced by love. When old familiar faces awake the memories of bygone days, often and often again do we fear that our judgments were cruel and unjust, but every deed of mercy and every act of charity and every thought of pity is like the balm of Gilead to our souls. We may none of us be wise or great, fortune may elude us and fame may never come; but however poor or weak or humble, we yet may inscribe our names in the fairest, brightest book,—the book of love, and on its sacred pages, earned by the glorious truths he taught, by his infinite, ever present love of all, upon the foremost line will be inscribed Walt Whitman's name.

JOHN P. ALTGELD

Address of Clarence Darrow, at the Funeral Friday, March 14, 1902.

In the great flood of human life that is spawned upon the earth, it is not often that a man is born. The friend and comrade that we mourn today was formed of that infinitely rare mixture that now and then at long, long intervals combines to make a man. John P. Altgeld was one of the rarest souls who ever lived and died. His was a humble birth, a fearless life and a dramatic, fitting death. We who knew him, we who loved him, we who rallied to his many hopeless calls, we who dared to praise him while his heart still beat, can not yet feel that we shall never hear his voice again.

John P. Altgeld was a soldier tried and true; not a soldier clad in uniform, decked with spangles and led by fife and drum in the mad intoxication of the battlefield; such soldiers have not been rare upon the earth in any land or age. John P. Altgeld was a soldier in the everlasting struggle of the human race for liberty and justice on the earth. From the first awakening of his young mind until the last relentless summons came, he was a soldier

who had no rest or furlough, who was ever on the field in the forefront of the deadliest and most hopeless fight, whom none but death could muster out. Liberty, the relentless goddess, had turned her fateful smile on John P. Altgeld's face when he was but a child, and to this first, fond love he was faithful unto death.

Liberty is the most jealous and exacting mistress that can beguile the brain and soul of man. She will have nothing from him who will not give her all. She knows that his pretended love serves but to betray. But when once the fierce heat of her quenchless, lustrous eyes has burned into the victim's heart, he will know no other smile but hers. Liberty will have none but the great devoted souls, and by her glorious visions, her lavish promises, her boundless hopes, her infinitely witching charms, she lures her victims over hard and stony ways, by desolate and dangerous paths, through misery, obloquy and want to a martyr's cruel death. Today we pay our last sad homage to the most devoted lover, the most abject slave, the fondest, wildest, dreamiest victim that ever gave his life to liberty's immortal cause.

In the history of the country where he lived and died, the life and works of our devoted

dead will one day shine in words of everlasting light. When the bitter feelings of the hour have passed away, when the mad and poisonous fever of commercialism shall have run its course, when conscience and honor and justice and liberty shall once more ascend the throne from which the shameless, brazen goddess of power and wealth have driven her away; then this man we knew and loved will find his rightful place in the minds and hearts of the cruel, unwilling world he served. No purer patriot ever lived than the friend we lay at rest today. His love of country was not paraded in the public marts, or bartered in the stalls for gold; his patriotism was of that pure ideal mold that placed love of man above the love of self.

John P. Altgeld was always and at all times a lover of his fellow man. Those who reviled him have tried to teach the world that he was bitter and relentless, that he hated more than loved. We who knew the man, we who clasped his hand and heard his voice and looked into his smiling face; we who knew his life of kindness, of charity, of infinite pity to the outcast and the weak; we who knew his human heart, could never be deceived. A truer, greater, gentler, kindlier soul has never lived and died; and the fierce bitterness and hatred that sought to destroy this great, grand soul had but one

cause—the fact that he really loved his fellow man.

As a youth our dead chieftain risked his life for the cause of the black man, whom he always loved. As a lawyer he was wise and learned; impatient with the forms and machinery which courts and legislators and lawyers have woven to strangle justice through expense and ceremony and delay; as a judge he found a legal way to do what seemed right to him, and if he could not find a legal way, he found a way. As a Governor of a great State, he ruled wisely and well. Elected by the greatest personal triumph of any Governor ever chosen by the State, he fearlessly and knowingly bared his devoted head to the fiercest, most vindictive criticism ever heaped upon a public man, because he loved justice and dared to do the right

In the days now past, John P. Altgeld, our loving chief, in scorn and derision was called John Pardon Altgeld by those who would destroy his power. We who stand today around his bier and mourn the brave and loving friend are glad to adopt this name. If, in the infinite economy of nature, there shall be another land where crooked paths shall be made straight, where heaven's justice shall review the judg-

ments of the earth—if there shall be a great, wise, humane judge, before whom the sons of men shall come, we can hope for nothing better for ourselves than to pass into that infinite presence as the comrades and friends of John Pardon Altgeld, who opened the prison doors and set the captive free.

Even admirers have seldom understood the real character of this great human man. These were sometimes wont to feel that the fierce bitterness of the world that assailed him fell on deaf ears and an unresponsive soul. They did not know the man, and they do not feel the subtleties of human life. It was not a callous heart that so often led him to brave the most violent and malicious hate; it was not a callous heart, it was a devoted soul. He so loved justice and truth and liberty and righteousness that all the terrors that the earth could hold were less than the condemnation of his own conscience for an act that was cowardly or mean.

John P. Altgeld, like many of the earth's great souls, was a solitary man. Life to him was serious and earnest—an endless tragedy. The earth was a great hospital of sick, wounded and suffering, and he a devoted surgeon, who had no right to waste one moment's time and

whose duty was to cure them all. While he loved his friends, he yet could work without them, he could live without them, he could bid them one by one good-bye, when their courage failed to follow where he led; and he could go alone, out into the silent night, and, looking upward at the changeless stars, could find communion there.

My dear, dead friend, long and well have we known you, devotedly have we followed you, implicitly have we trusted you, fondly have we loved you. Beside your bier we now must say farewell. The heartless call has come, and we must stagger on the best we can alone. In the darkest hours we will look in vain for your loved form, we will listen hopelessly for your devoted, fearless voice. But, though we lay you in the grave and hide you from the sight of man, your brave words will speak for the poor, the oppressed, the captive and the weak; and your devoted life inspire countless souls to do and dare in the holy cause for which you lived and died.

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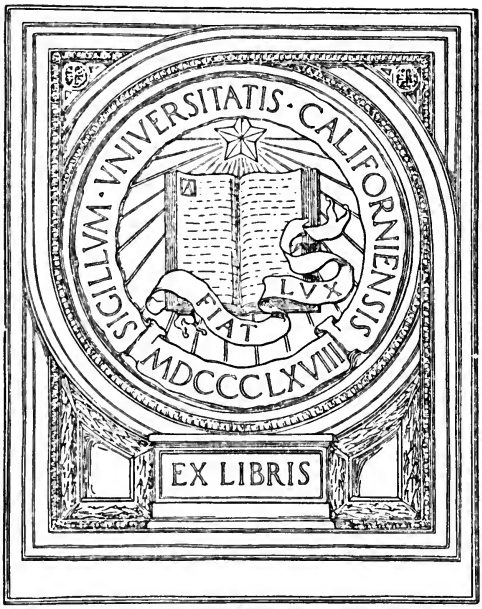
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By

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FARMINGTON

CHAPTER I

ABOUT MY STORY

I BEGIN this story with the personal pronoun. To begin it in any other way would be only a commonplace assumption of a modesty that I do not really have. It is most natural that the personal pronoun should stand as the first word of this tale, for I cannot remember a time when my chief thoughts and emotions did not concern myself, or were not in some way related to myself. I look back through the years that have passed, and find that the first consciousness of my being and the hazy indistinct memories of my childhood are all about myself, — what the world, and its men and its women, and its beasts and its plants, meant to me. This feeling is all there is of the past and all there is of the present; and as I look forward on my fast shortening

path, I am sure that my last emotions, like my first, will come from the impressions that the world is yet able to make upon the failing senses that shall still connect me with mortal life.

So why should I not begin this tale with the personal pronoun? And why should I not use it over and over again, with no effort to disguise the fact that whatever the world may be to you, still to me it is nothing except as it influences and affects my life and me?

I have been told that I was born a long time ago, back in the State of Pennsylvania, on the outskirts of a little struggling town that slept by day and by night along a winding stream, and between two ranges of high hills that stood sentinel on either side. The valley was very narrow, and so too were all the people who lived in the little town. These built their small white frame houses and barns close to the river-side, for it was only near its winding banks that the soil would raise corn, potatoes, and hay, — potatoes for the people, and hay and corn for the other inhabitants, who were almost as important to the landscape and almost as close to my early life as the men

and women who gathered each Sunday in the large white church, and who had no doubt that they were different from the horses and cattle, and would live in some future world that these other animals would never reach. Even then I felt that perhaps, if this was true, the horses and cattle had the best of the scheme of the universe, for the men and women never seemed to enjoy life very much, excepting here and there some solitary person who was pointed out as a terrible example, who would surely suffer in the next world during the eternity which my long-faced sober neighbors would spend in enjoying the pleasures they had so righteously denied themselves while here on earth.

Of course no one will expect me to tell all my life. In fact, much of the most interesting part must be left out entirely, as is the case with all lives that are really worth the writing; and unless mine is one of these, why bother with the story? Polite society, that buys books and reads them, — at least reads them, — would not tolerate the whole; so this is an expurgated life, or, rather, an expurgated story of a life. Thank God, the life was not ex-

purgated any more than absolutely necessary, sometimes not even so much as that. But so far as I can really tell my story, I shall make a brave endeavor to tell it truthfully, at least as near as the truth can be told by one who does not tell the whole truth, — which, after all, is not so very near.

Lest anyone who might borrow this book and read it should think that I am not so very good, and am putting my best foot foremost, let me hasten to say that if I told the whole truth it would be much more favorable to me than this poor expurgated version will make it seem. I have done many very good things which I shall not dare to set down in these pages, for if I should record them some envious and unkind readers might say that I did these things in order to write them in a book and get fame and credit for their doing, and so after all they were not really good. But even the bad things that I leave out were not so very bad, — indeed, they were not bad at all, if one has my point of view of life and knows all the facts. The trouble is, there are so few who have my point of view, and most of those are bound to pretend that they have not. Then, too, no

one could possibly tell all the facts, for one can write only with pen and ink, and long after everything is past and gone, while one lives with flesh and blood, and sometimes tingling blood at that, and only a single moment at a time. So it may be that no one could write a really truthful story if he would, and perhaps the old fogies are right in fixing the line as to what may be set down and what must be left out. At least, I promise that the reader who proclaims his propriety the loudest, and from the highest house-top, need not have the slightest fear — or hope — about this book, for I shall watch every word with the strictest care, and the moment I find myself wandering from the beaten path I shall fetch myself up with the roundest and the quickest turn. And so, having made myself thus clear as to the plans and purposes of my story, there is no occasion to tarry longer at its threshold.

I have always had the highest regard for integrity, and have ever by precept urged it upon other people; therefore in these pages I shall try, as I have said, to tell the truth; still I am afraid that I shall not succeed, for, after all, I can tell about things only as they seem

to me, — and I am not in the least sure that my childhood home, and the boys and girls with whom I played, were really like what they seem to have been, when I rub my eyes and awaken in the fairy-land that I left so long ago. So, to be perfectly honest with the reader, — which I am bound to be as long as I can and as far as I can, — I will say that this story is only a story of impressions after all. But this is doubtless the right point of view, for life consists only of impressions, and when the impressions are done the life is done.

I really do not know just why I am telling this story, for it is only fair to let the reader know at the beginning, so that he need not waste his time, that nothing ever happened to me, — that is, nothing has happened yet, and all my life I have been trying hard to keep things from happening. But as nothing ever happened, how can there be any story for me to write? I am unable to weave any plot, because there never were any plots in my life, excepting a few that never came to anything, and so were really no part of my life. What happened to me is nothing more than what

happens to everyone; so why should I expect people to bother to read my story? Why should they pay money to buy my book, which is not a story after all?

I hardly think I am writing this for fame. If that were the case, I should tell the things that I leave out, for I know that they would be more talked about than the commonplace things that I set down. But I have always wanted to write a book. I remember when I was very small, and used to climb on a chair and look at the rows of books on my father's shelves, I thought it must be a wonderful being who could write all the pages of a big book, and I would have given all the playthings that I ever hoped to have for the assurance that some day I might possibly write down so many words and have them printed and bound into a book. But my father always told me I could never write a book unless I studied hard, — Latin, Greek, geometry, history, and a lot of things that I knew nothing about then and not much more now. As I grew older, I was too poor and too lazy to learn all the things that my good father said I must know if I should ever write a book,

but I never gave up the longing, even when I felt how impossible it would be to realize my dream.

I never studied geometry, or history, or Greek, and I studied scarcely any Latin, and not much arithmetic; and I never did anything with grammar, except to study it,—in fact, I always thought that this was the only purpose for which grammar was invented. But in spite of all this, I wanted to write a book, and resolved that I would write a book. Of course, as I am not a scholar, and have never learned anything out of books to tell about in other books, there was nothing for me to do but tell of the things that had happened to me. So I tell this story because it is the only story I know, —and even this one I do not know so very well. Sometimes I think I am one kind of person, and then sometimes I think I am another kind; and I am never quite sure why I do any particular thing, or why I do not do it, excepting the things I am afraid to do. But there is no reason now why I should not write this book, for I have money enough to get it printed and bound, and even if no one ever buys a copy still I can say that I have written

a book. I understand that a great many books are published in this way, and I must have read a number that never would have been printed if the author had not been able to pay for them himself.

But I have put off writing this story for many, many years, until at last I am beginning to think of getting old; and if I linger much longer over unimportant excuses and explanations, I fear that I shall die, and future generations will never know that I have lived. For I am quite certain that no one else will ever write my story, and unless I really get to work, even my name will be forgotten excepting by the few who go back to my old-time home, and open the wire gate of the little graveyard, and go down the winding path between the white headstones until they reach my mound. I know that they will find it there, for I have already made my will and provided that I shall be carried back to the little Pennsylvania town beside the winding stream where I used to stone the frogs; and I have written down the exact words that shall be carved upon my marble headstone, — that is, all the words except those that are to tell of the last event,

and these we are all of us very willing to leave to someone else.

But this story is about life and action, and boys and girls, and men and women; and I really did not intend to take the reader to my grave in the very first chapter of the book.

CHAPTER II

OF MY CHILDHOOD

I FORGOT to mention that my name is John Smith. Of course this is a very plebeian name, but I am in no way responsible for it. As long as I can remember, I answered to the call of "John" or "Johnny" many a time in my childhood, and even later, when I would much have preferred not to hear the call. My father's name was John Smith, too. No doubt he, and his father before him, could see no way to avoid the Smith, and thought it could not make much difference to add the John. The chief trouble that I have experienced from the name has come from getting my letters mixed up with other people's, — mainly my father's, — which often caused me embarrassment in my younger days.

I have tried very hard to remember when I first knew my name was John. Indeed, I have often wondered when it was that I first knew

that I was I, and how that fact dawned upon my mind. Over and over again I have tried to remember my first thoughts and experiences of life, but have always failed in the attempt. If I could only tell of my first sensations, as I looked at the blue sky, and felt the warm sun, and heard the singing birds in my infancy, I am sure they would interest the reader. But I can give no testimony upon these important points. I have no doubt, however, that when I looked upon the heavens and the earth for the first time I must have felt the same ignorance and awe and wonder that possess my mind to-day when I try to understand the same unexplainable mysteries that have always filled me with queries, doubts, and fears.

Neither can I tell just what I first came to remember; and when I look back to that little home beside the creek I am not quite sure whether the feelings that I have are of things that I actually saw and felt and lived, or whether some imaginings of my young brain have taken the form and semblance of real life.

I was only one of a large family, mostly older than myself; but while I was only one, I was the chief one, and the rest were important

only as they affected me. It must have been the rule of our family that each of the children should have the right to give orders to those younger than himself; at any rate, all the older ones told me what to do, and I in turn claimed the same privilege with those younger than myself.

My early remembrances have little sequence or logical connection. I am quite unable to tell which events came first of those that must have happened when I was very young.

Among my earliest impressions is one of a hill in our back yard, and of our going down it to bring water from the well. I am sure that the hill is not a dream, for I have been back since and found it there, although not near as long and steep as it seemed in those far-off years. I remember that we children used to slide down this hill and then walk up again. Even then I was willing to do a great deal of work for a very small amount of fun. Somehow, in looking back, it seems as if I were always sliding downhill and tugging my sled back to the top in the dusk of the evening. I cannot quite understand how it is that I remember the evening best, but there it is as I

unroll the scroll, — there are the dents in my memory, and there is the little boy pulling his sled uphill and looking in at the lighted kitchen window at the top. There, too, are the older and wiser members of the family, — those who have learned that the short sensation of sliding down the hill is not worth the long tug up; a lesson which, although I am growing old and gray, I never have been wise enough to learn. There are the older ones gathered around the table with their books, or busy with their household work, — the old family circle that I see so plainly now in the lamplight through the window, perhaps more plainly for the years that lie between. This magic circle was long since broken and scattered, and lives only in the memory of the man-child who knew so little then of what life really meant, and who knows so little now.

It is strange, but somehow I have no such distinct recollection of our home as I have of the other objects that were familiar to my childish mind. I can see the little muddy brook that ran just back of the garden fence. Down the hill on the edge of the stream stood a log cheese-house, — at least, it seems so now, —

and back of this cheese-house beside the brook must have been a favorite spot for me to wade and fish, although I have no remembrance that I ever caught anything, which fact I am happy to record. Beyond the stream was an orchard. I am uncertain whether or not it belonged to my father, although I rather think it must have been owned by somebody else, the apples always looked so tempting and so red, — which reminds me that all through life it has seemed to me that no fruit was quite so sweet as that which was just beyond my reach. Anyhow, this orchard stands out very plainly in my mind. It was a very large orchard, — in fact, a great forest of trees; and I remember that I always stole over the fence intending to get the apples on the nearest tree, but they did not taste so sweet nor look so red as some others farther on, which in turn were passed by for others yet a little farther off, until I had gone quite through the orchard in my endeavor to get the very best. Although I have been grown up for many a year, somehow this habit of seeing something better further on has clung to me through life. So tenacious is this habit, that I fancy I have missed much that is

valuable and good in my eager haste to get something better still. I am not quite certain about the orchard, — perhaps it was not so very large after all; at least, when I went back a few years ago there was no cheese-house, and no orchard, and even the brook was grown up to grass and weeds. I know that in my childhood my parents moved from the old house to another slightly better, and nearer town; but though I can clearly remember certain incidents of both, still I have no recollection of our moving, and it is utterly impossible to keep the impressions of each separate and distinct.

My first memory of a schoolhouse seems quite clear. It may be that the things I remember never really happened, although the impression of them is very strong upon my mind. I must have been very young, hardly more than three or four years old, and was doubtless taken to school by an elder brother or sister; certainly I was too young to be a pupil. The schoolhouse was a long way from home, — miles and miles it seemed to me. After being in school for hours, I must have grown weary and restless, sitting so motionless and

still, for I know that I was boxed on the ears either by the teacher's hand or with a slate. I ran out of the room sobbing and crying, and went down the long white road to my home. I shall never forget that journey in the heat and dust. It must have been the greatest pain and sorrow I had ever known. Doubtless it was the humiliation of being boxed on the ears before the whole school that broke my heart; at least, I felt as if I never would reach home, and I must have sprinkled every foot of the way with my bitter tears. I remember that teacher's name to-day, and I never forgave her, until a short time ago, after I read Tolstoi. Now I only realize how stupid and ignorant she was to awaken such hatred in the heart of a little child. In those days whipping was a part, and a very large part, of the regular course of the district school, and I learned in a few years not to mind it very much, — in fact, rather to enjoy it, for it gave me such good standing with the other children of the school.

How full of illusions and delusions we children were! Since I have grown to man's estate, I have travelled the same road over which I sobbed in that far-off day, and it was really

but a very little way, — a short half-mile, — and still, as I look back to that little crying child, it seems as if he must have walked across a desert beneath a tropical sun, and borne all the despair and anguish of the world inside his little jacket.

Another memory that has become a part of my being grows out of the great Civil War. I was probably four or five years old, and was playing under the big maple-trees in our old front yard. The scene all comes back to me as I write. I have a stick or hoop, or perhaps both, in my little hand. No one else is anywhere about. I hear a drum and fife coming over the hill, and I run to the fence and look down the gravelly road. A two-horse wagon loaded with men and boys, whose names and perhaps faces I seem to know, drives past me as I peer through the palings of the fence. They are dressed in uniform, and are proud and gay. In the centre of the wagon is one boy standing up; I see his face plainly, and catch its boyish smile. They drive past the house to the railroad station, on their way to the Southern battle-fields. I must have been told a great deal about these men and about the war, for my

people were abolitionists, who looked upon the rebels as some sort of monsters, and had no thought that there could be any side but ours. However, I now remember nothing at all of what was said to me, but I hear the martial music, I see the horses and wagons and men, and clear and distinct from all the rest is this one boy's face that I knew so well. Even more distinctly do I remember a day some months later. I must then have begun going to the district school, for I remember that there was no school that day. I recall a great throng of people, and among them all the boys and girls from school, and we are gathered inside the burying-ground where they are carrying the young soldier who rode past our house a few months before. I cannot remember what was said at the funeral, but this is the first impression that I can recall of the grim spectre Death. What it meant to my childish mind I cannot now conceive. I remember only the hushed awe and the deep dread that fell upon us all when we realized that they were putting this boy into the ground and that we should never see his face again. Whatever the feeling, I fancy that time and years have not

changed or modified it, or made it any easier to reconcile or understand.

But with the memory of the funeral there lingers an impression that we all thought this young man a glorious, brave, and noble boy, and that his widowed mother and brothers and sisters ought to have felt happy and proud that he was buried in the ground. I remembered the mother for many years, and how she always mourned her son; but it was a long, long time before I came to understand that the fact that the boy was killed upon the field of battle really did not make the sorrow any less for the family left behind. And it was still longer before I came to realize that it is no more noble or honorable to die fighting on the field of battle than in any other way.

CHAPTER III

MY HOME

MY earliest recollections that I can feel quite sure are real are about my family and home. My father was a miller, and had a little grist-mill by the side of the creek, just in the shade of some large oak-trees. His mill must have been very small, for I always knew that he was poor. Still, it seemed to me that the mill was a wonderful affair, almost as large as the big white church that stood upon the hill. It was run by water when the creek was not too low, which I am sure was very often, as I think it over now. Above the mill was a great dam, which made an enormous pond, larger than the Atlantic Ocean, and much more dangerous to any of us boys venturesome enough to go out upon it in a boat, or even on skates in the winter time. But the most marvellous part of all was the wonderful water-wheel hidden almost underneath the mill. It seemed as if

there were a great hollow in the ground, to make room for the wheel; and if I had any opinion on the subject, I must have thought that the wheel grew there, for surely no one could make a monster like that. Often I used to go with my father up to the head of the mill-race, when he lifted the big wooden gate and let the waters come down out of the dam through the race and the wooden flume over the great groaning wheel. I well remember how I used to stand in awe and wonder while my father opened the gate, and then run down the path ahead of the rushing tide and peep through a hole to see the old wheel start. Then I would scamper over the mill, from the cellar with its cogs and pulleys, up to the garret with its white dusty chutes and its incomprehensible machines. Then I played around the great sacks and enormous bins of wheat and corn, and watched the grain as it streamed into the hopper ready to be ground to pieces by the slowly turning stones.

How real, and still how unreal, all this seems to-day! Is it all a dream? and am I writing a fairy-story like "Little Red Riding Hood" or "The Three Black Bears"? Surely all these

events are as clear and vivid as the theatre party of last week. But while I so plainly see the little, idle, prattling child, looking with wondering eyes at the great turning wheel, and asking his simple questions of the grave, kind old man in the great white coat, somehow there is no relation between that simple child and the man whom the world has buffeted and tossed for so many years, and with such a rough unfriendly hand, that he cannot help the feeling that this far-off child was really someone else.

My father was a just and upright man, — I can see him now dipping his bent wooden measure into the hopper of grain and taking out his toll, never a single kernel more than was his due. No doubt the suspicious farmers who brought their sacks of wheat and corn often thought that he dipped out more grain than he had a right to take; and even many of those who knew that he did not, still thought he was a fool because he failed to make the most of the opportunities he had. As I grew up, I learned that there are all sorts of people in the world, and that selfishness and greed and envy are, to say the least, very common in the

human heart; but I never could be thankful enough that my father was honest and simple, and that his love of truth and justice had grown into his being as naturally as the oaks were rooted to the earth along the little stream.

The old wheel ceased turning long ago. The last stick of timber in its wondrous mechanism has rotted and decayed; the old mill itself has vanished from the earth. The drying stream and the great mills of the new Northwest long since conspired to destroy my father's simple trade. Even the dam has been washed away, and a tiny thread of water now trickles down over the hill where the rushing flood fell full upon the great turning wheel. Last summer I went back to linger, like a ghost, around the old familiar spot; and I found that even the great unexplored pond had dried up, and a field of corn was growing peacefully upon the soil that once upheld this treacherous sea. And the old miller too, with his kindly, simple, honest face, — the old miller with his great white coat, — he too is gone, gone as completely as his father and all the other fathers and grandfathers who have come and gone; the dear, kind old miller, who listened to my

childish questions, and taught me, or rather tried to teach me, what was right and wrong, has grown weary and lain down to rest, and will soon be quite forgotten by the world, — unless this story shall bring his son so much fame that some of the glory shall be reflected back to him.

Somehow the mill seems to have made a stronger impression than the house on my young mind. Perhaps it was because it was the only mill that I had ever seen or known; perhaps because the associations that naturally attached to the mill and its surroundings were such as appeal most to the mind of a little child. Of course, from the very nature of things the home and family must have been among my earliest recollections; yet I cannot help feeling that much of the literature about childhood's home has been written for effect, — or not to describe home as it really is to the child, but from someone's ideal of what home ought to be.

I know that my mother was a very energetic, hard-working, and in every way strong woman, although I did not know it or think about it then. I know it now, for as I look back to

my childhood and see the large family that she cared for, almost without help, I cannot understand how she did it all, especially as she managed to keep well informed on the topics of the day, and found more time for reading and study than any of her neighbors did.

In the main, I think our family was like the other families of the neighborhood, with about the same dispositions, the same ideas and ideals, — if children can be said to have ideals, — that other people had.

There were seven of us children, and we must have crowded the little home, to say nothing of the little income with which my father and mother raised us all. Our family life was not the ideal home-life of which we read in books; the fact is, I have never seen that sort of life amongst children, — or amongst grown people either, for that matter. If we loved each other very dearly, we were all too proud and well-trained to say a word about it, or to make any sign to show that it was true. When a number of us children were together playing the familiar games, we generally quarrelled and fought each other much more than

was our habit when playing with our neighbors and our friends. In this too we were like all the rest of the families that I knew. It seems to me now that a very small matter was always enough to bring on a fight, and that we quarrelled simply because we liked to hurt each other; at least I can see no other reason why we did.

We children were supposed to help with the chores around the house; but as near as I can remember, each one was always afraid that he would do more than his share. I recall a story in one of our school readers, which I read when very young; it was about two brothers, a large one and a small one, and they were carrying a pail on a pole, and the larger brother deliberately shoved the pail nearer to his end, so that the heavier load would fall on him; but I am sure that this incident never happened in our family, or in any other that I ever knew.

Most home-life necessarily clusters around the mother; and so, of course, it must have been in our family. But my mother died when I was in my earlier teens, and her figure has not that clearness and distinctness that I wish

it had. She seems now to have been a remarkable combination of energy and industry, of great kindness, and still of strong and controlling will; a woman who, under other conditions of life, and unhampered by so many children and such pressing needs, might have left her mark upon the world. But this was not to be; for she could not overlook the duties that lay nearest her for a broader or more ambitious life.

Both my father and mother must have been kind and gentle and tender to the large family that so sorely taxed their time and strength; and yet, as I look back, I do not have the feeling of closeness that should unite the parent and the child. They were New England people, raised in the Puritan school of life, and I fancy that they would have felt that demonstrations of affection were signs of weakness rather than of love. I have no feeling of a time when either my father or my mother took me, or any other member of our family, in their arms; and the control of the household seemed to be by such fixed rules as are ordinarily followed in family life, with now and then a resort to rather mild corporal pun-

ishment when they thought the occasion grave enough. Both parents were beyond their neighbors in education, intelligence, and strength of character; and with their breadth of view, I cannot understand how they did not see that even the mild force they used tended to cause bitterness and resentment, and thus defeat the object sought. I well remember that we were all glad if our parents, or either of them, were absent for a day; not that they were unkind, but that with them we felt restraint, and never that spirit of love and trust which ought always to be present between the parent and the child.

While I cannot recall that my mother ever gave me a kiss or a caress, and while I am sure that I should have been embarrassed if she had, still I well remember that when I had a fever, and lay on my bed for what seemed endless weeks, she let no one else come near me by day or night. And although she must have attended to all her household duties, she seemed ever beside me with the tenderest and gentlest touch. I can still less remember any great affection that I had for her, or any effort on my part to make her

life easier than it was; yet I know that I must have loved her, for I can never forget the bitterness of my despair and grief when they told me she must die. And even now, as I look back after all these weary years, when I think of her lying cold and dead in the still front room I feel almost the same shudder and horror that filled my heart as a little child. And with this shudder comes the endless regret that I did not tell her that I loved her, and did not do more to lighten the burdens of her life.

This family feeling, or lack of it, I think must have come from the Puritanic school in which my father and mother were born and raised. It must be that any intelligent parent who really understands life would be able to make his children feel a companionship greater than any other they could know.

With my brothers and sisters my life was much the same. We never said anything about our love for each other, and our nearness seemed to bring out our antagonism more than our love. Still, I am sure that I really cared for them, for I recall that once when a brother was very ill I was wretched with fear

and grief. I remember how I went over every circumstance of our relations with each other, and how I vowed that I would always be kind and loving to him if his life were saved. Fortunately, he got well; but I cannot recall that I treated him any better after this sickness than before.

I remember how happy all of us used to be when cousins or friends came to stay a few days in our house, and how much more we liked to be with them than with our own family. I remember, too, that I had the same feeling when I visited other houses; and I have found it so to this day. True it is, that in great trouble or in a crisis of life we seem to cling to our kindred, and stand by them, and expect them to stand by us; and yet, in the little things, day by day, we look for our comradeship and affection somewhere else.

So I think that in all of this neither I nor the rest of my people were different from the other families about us, and that the stories of the ideal life of brothers and sisters, of parents and children, are largely myths.

CHAPTER IV

MY FATHER

MY father was a great believer in education, — that is, in the learning that is found in books. He was doubtful of any other sort, if indeed he believed there could be any other sort. His strong faith in books, together with the fact that there were so many of us children around the house in my mother's way, early drove me to the district school.

Before this time I had learned to read simple sentences; for I cannot remember when my father began telling me how important and necessary it was to study books. By some strange trick of fortune, he was born with a quenchless thirst for learning. This love of books was the one great passion of his life; but his large family began to arrive when he was at such an early age that he never had time to prepare himself to make a living from his learning. He always felt the hardship and

irony of a life of labor to one who loved study and contemplation; so he resolved that his children should have a better chance. Poor man! I can see him now as plainly as if it were yesterday. I can see him with his books, — English, Latin, Greek, and even Hebrew, — carrying them back and forth to the dusty mill, and snatching the smallest chance, even when the water was spilling over the dam, to learn more of the wonders that were held between the covers of these books.

All my life I have felt that Nature had some grudge against my father. If she had made him a simple miller, content when he was grinding corn and dipping the small toll from the farmer's grist, he might have lived a fairly useful, happy life. But day after day and year after year he was compelled to walk the short and narrow path between the little house and the decaying mill, while his mind was roving over scenes of great battles, decayed empires, dead languages, and the starry heavens above. To his dying day he lived in a walking trance; and his books and their wondrous stories were more real to him than the turning water-wheel, the sacks of wheat and

corn, and the cunning, soulless farmers who dickered and haggled about his hard-earned toll.

Whether or not my father had strong personal ambitions, I really never knew; no doubt he had, but years of work and resignation had taught him to deny them even to himself, and slowly and pathetically he must have let go his hold upon that hope and ambition which alone make the thoughtful man cling fast to life.

In all the country round, no man knew so much of books as he, and no man knew less of life. The old parson and the doctor were almost the only neighbors who seemed able even to understand the language that he spoke. I remember now, when his work was done, how religiously he went to his little study with his marvellous books, and worked and read far into the night, stopping only to encourage and help his children in the tasks that they were ever anxious to neglect and shirk. My bedroom, with its two beds and generally four occupants, opened directly from his study door; and no matter how often I went to sleep and awakened in the night, I could see a little streak of lamplight at the bottom of the

door that opened into his room, which showed me that he was still dwelling in the fairy-lands of which his old volumes told. He was no longer there in the morning, and this was usually the first time that I missed him in my waking moments after I had gone to bed. Often, too, he wrote, sometimes night after night for weeks together; but I never knew what it was that he put down, — no doubt his hopes and dreams and loves and doubts and fears, as men have ever done since time began, as they will ever do while time shall last, and as I am doing now; but these poor dreams of his were never destined to see the light of day. Perhaps, with no one to tell him that they were good, he despaired about their worth, as so many other doubting souls have done before and since. It is not likely, indeed, that any publisher could have been found ready to transform his poor cramped writing into print. Whatever may have been the case, if I could only find the pages that he wrote I would print them now with his name upon the title-page, and pay for them myself.

I cannot remember when I learned to read. I seem always to have known how. I am sure

that I learned my letters from the red and blue blocks that were always scattered on the floor. Of course, I did not know what they meant; I only knew that A was A, and was content with that. Even when I learned my first little words, and put them into simple sentences, I fancy that I knew no more of what they meant than the poor caged parrot that keeps saying over and over again, "Polly wants a cracker," when he really wants nothing of the kind. I fancy that I knew nothing of what they meant, for as I read to-day many of the brave lessons learned even in my later life I cannot imagine that I had any thought of their meaning such as the language seems now to hold.

But I know that I learned my letters quickly and early, — though not so early as an elder brother who was always kept steadily before my eyes. It must be that my father gave me little chance to tarry long from one simple book to another, for I remember that at a very early age I was told again and again that John Stuart Mill began studying Greek when he was only three years old. I thought then, as I do to-day, that he must have had a cruel father, and

that this unnatural parent not only made miserable the life of his little boy, but of thousands of other boys whose fathers could see no reason why their sons should be outdone by John Stuart Mill. I have no doubt that my good father thought that all his children ought to be able to do anything that was ever accomplished by John Stuart Mill; and so he did his part, and more, to make us try.

But, after all, I feel to-day just as I did long years ago, when with reluctant ear and rebellious heart I heard of the great achievements of John Stuart Mill. I look back to those early years, and still regret the beautiful play-spells that were broken and the many fond childish schemes for pleasure that were shattered because John Stuart Mill began studying Greek when three years old.

I would often shed bitter tears, and mutter exclamations and protests which no one heard, but which were none the less terrible because they were spoken underneath my breath, — and all on account of John Stuart Mill. It was long before I could forgive my gentle honest father for having tried so hard to make me learn those books. I am sure that no good

fortune can ever compensate me for the wasted joys, the broken playtimes, the interrupted childish pleasures, which I should have had.

If I were writing this story as I feel to-day, and if I could not recall the little child who had so lately come from the great heart of Nature that he still must have remembered what she felt and thought and knew, I might not regret those broken childish joys. I might rather mourn and lament, with all the teachers and parents and authors, that I was so profligate of my time when I was yet a child, and that I was not more studious in those far-off years. But as I look back to my childhood days, my sluggish heart beats quicker, and I can feel the warm young blood rush to my tingling feet and hands, and I realize once more the strange thrill of delight and joy that life and activity alone bring to all the young. And so I cling to-day to the childish thought that I was right and my poor father wrong. "When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man I put away childish things," said the apostle twenty centuries ago. The mistake of maturity and age has ever been that it lives

so wholly in the present and so completely forgets the childhood that is past. To guard infancy and youth as a precious heritage, to keep them as long as we can, seems to me the true philosophy of life. For, after all, life is mostly illusions, and the illusions of infancy and childhood and youth are more alluring than those of later years.

But I fancy now that I can understand my father's thoughts. A strange fate had set him down beside the little winding creek and kept him at his humble task of tolling his neighbors' grist. He looked at the high hills to the east, and at the high hills to the west, and up and down the narrow country road that led to the outside world. He knew that beyond the high hills was a broad inviting plain, with opportunity and plenty, with fortune and fame; but as he looked at the hills he could see no way to pass beyond. It is possible that he could have walked over them, or even around them, had he been alone; but there was the ever-growing brood that held him in the narrow place. No doubt as he grew older he often looked up and down the long dusty road, half expecting some fairy or genie to come along and take him away

where he might realize his dreams; but of course no such thing ever happened, — for this is a real story, — and so he stayed and ground the grain in the old decaying mill.

My father must have been quite advanced in years before he wholly gave up his ambitions to do something in life besides grinding the farmers' corn. Indeed, I am not sure that he ever gave them up; but doubtless, as the task seemed more hopeless and the chain grew stronger, he slowly looked to his children to satisfy the dreams that life once held out to him; and so this thought mingled with the rest in his strong endeavor that we should all have the best education he could get for us, so that we need not be millers as he had been. Well, none of us are millers! The old family is scattered far and wide; the last member of the little band long since passed down the narrow road, and out between the great high hills into the far-off land of freedom and opportunity of which my father dreamed. But I should be glad to believe to-day that a single one over whom he watched with such jealous care ever gave as much real service to the world as this simple, kindly man whose name was heard scarcely

farther than the water that splashed and tumbled on the turning wheel.

I started bravely to tell about my life, — to write my story as it seems to me; and here I am halting and rambling like a garrulous old man over the feelings and remembrances of long ago. By a strange trick of memory I seem to stand for a few moments out in the old front yard, a little barefoot child. The long summer twilight has grown dim, and the quiet country evening is at hand. Beyond the black trees I hear the falling water spilling over the wooden dam; and farther on, around the edges of the pond, the hoarse croak of the frogs sounds clear and harsh in the still night air. Above the little porch that shelters the front door is my father's study window. I look in and see him sitting at his desk with his shaded lamp; before him is his everlasting book, and his pale face and long white hair bend over the infatuating pages with all the confidence and trust of a little child. For a simple child he always was, from the time when he first saw the light until his friends and comrades lowered him into the sandy loam of the old churchyard. I see him through the little panes of glass, as he bends

above the book. The chapter is finished and he wakens from his reverie into the world in which he lives and works; he takes off his iron-framed spectacles, lays down his book, comes downstairs and calls me away from my companions with the old story that it is time to come into the house and get my lessons. For the hundredth time I protest that I want to play, — to finish my unending game; and again he tells me no, that John Stuart Mill began studying Greek when he was only three years old. And with heavy heart and muttered imprecations on John Stuart Mill, I am taken away from my companions and my play, and set down beside my father with my book. I can feel even now my sorrow and despair, as I leave my playmates and turn the stupid leaves. But I would give all that I possess to-day to hear my father say again, as in that far-off time, "John Stuart Mill began studying Greek when he was only three years old."

CHAPTER V

THE DISTRICT SCHOOL

IN the last chapter I intended to write about the district school; but I lingered so long over old remembrances that I could not get to school in time, so now I will go straight there without delay.

The first school that I remember was not in the little town near which we lived, but about half a mile away in the opposite direction. Our house must have stood just outside the limits of the little village; at any rate, I was sent to the country school. Every morning we children were given a dinner-pail packed full of pie and cake, and now and then a piece of bread and butter (which I always let the other children eat), and were sent off to school. As we passed along the road we were joined by other little boys and girls, and by the time we reached the building our party contained nearly all the children on the road travelling

in the direction from which we came. We were a boisterous, thoughtless crowd, — that is, the boys; the girls were generally quieter and more reserved, which we called "proud."

Almost as soon as the snow was off the ground in the spring, we boys took off our shoes (or, rather, boots) and went barefooted to the school. It was hard for us to wait until our parents said the ground was warm enough for us to take off our boots; we felt so light and free, and could run so fast barefooted, that we always begged our mother to let us leave them off at the very earliest chance. The chief disadvantage was that we often stubbed our toes. This was sometimes serious, when we were running fast and would bring them full tilt against a stone. Most of the time we managed to have one or more toes tied up in rags; and we always found considerable occupation in comparing our wounds, to see whose were the worst, or which were getting well the fastest. The next most serious trouble connected with going barefoot was the necessity for washing our feet every night before we went to bed. This seemed a grievous hardship; sometimes we would forget it, when we could,

and I remember now and then being called up out of bed after I thought I had safely escaped and seemed to be sound asleep, and when my feet were clean enough without being washed.

It seemed to us children that our mother was unreasonably particular about this matter of washing our feet before we went to bed. She always required it when we had been barefoot through the day, even though it had been raining and we had wiped our feet in the grass. Still the trouble of washing our feet was partly compensated by our not being obliged to put on or take off our stockings and our boots. This was a great relief, especially in the morning ; for this part of our toilet took longer than all the rest, and when the time came around to go barefoot we had only to get up and jump into a few clothes and start away.

In the summer-time it took a long while for us children to travel the short half-mile to the district school. No matter how early we left home, it was nearly always past the hour of nine when we reached the door. For there were always birds in the trees and stones in the road, and no child ever knew any pain except his own. There were little fishes in the creek

over which we slid in winter and through which we always waded in the summer-time; then there were chipmunks on the fences and woodchucks in the fields, and no boy could ever manage to go straight to school, or straight back home after the day was done. The procession of barefoot urchins laughed and joked, and fought, and ran, and bragged, and gave no thought to study or to books until the bell was rung and they were safely seated in the room. Then we watched and waited eagerly for recess; and after that, still more anxiously for the hour of noon, which was always the best time by far of all the day, not alone because of the pie and cake and apples and cheese which the more prudent and obedient of us saved until this time, but also because of the games, in which we always had enough boys to go around.

In these games the girls did not join to any great extent; in fact, girls seemed of little use to the urchins who claimed everything as their own. In the school they were always seated by themselves on one side of the room, and sometimes when we failed to study as we should we were made to go and sit with them.

This was when we were very young. As we grew older, this form of punishment seemed less and less severe, until some other was substituted in its stead. Most of the boys were really rather bashful with the girls, — those who bragged the loudest and fought the readiest somehow never knew just what to say when they were near. We preferred rather to sit and look at them, and wonder how they could be so neat and clean and well "fixed up." I remember when quite a small boy how I used to look over toward their side of the room, especially at a little girl with golden hair that was always hanging in long curls about her head; and it seemed to me then that nothing could ever be quite so beautiful as this curly head; which may explain the fact that all my life nothing has seemed quite so beguiling as golden hair, — unless it were black, or brown, or some other kind.

To the boys, school had its chief value, in fact its only value, in its games and sports. Of course, our parents and teachers were always urging us to work. In their efforts to make us study, they resorted to every sort of means — headmarks, presents, praise, flat-

tery, Christmas cards, staying in at recess, staying after school, corporal punishment, all sorts of persuasion, threats, and even main force — to accomplish this result. No like rewards or punishments were required to make us play; which fact, it seems to me, should have shown our teachers and parents that play, exercise, activity, and change are the law of life, especially the life of a little child; and that study, as we knew it, was unnatural and wrong. Still, nothing of this sort ever dawned upon their minds.

I cannot remember much real kindness between the children of the school; while we had our special chums, we never seemed to care for them, except that boys did not like to be alone. There were few things a boy could do alone, excepting tasks, which of course we avoided if we could. On our way to and from the school, or while together at recess and noon, while we played the ordinary games a very small matter brought on a quarrel, and we always seemed to be watching for a chance to fight. In the matter of our quarrels and fights we showed the greatest impartiality, as boys do in almost all affairs of life.

While our books were filled with noble precepts, we never seemed to remember them when we got out of doors, or even to think that they had any application to our lives. In this respect the boy and the grown-up man seem wonderfully alike.

But really, school was not all play. Our teachers and parents tried their best to make us learn, — that is, to make us learn the lessons in the books. The outside lessons we always seemed to get without their help, — in fact, in spite of their best endeavors to prevent our knowing what they meant.

The fact that our teachers tried so hard to make us learn was no doubt one of the chief reasons why we looked on them as our natural enemies. We seldom had the same teacher for two terms of school, and we always wondered whether the new one would be worse or better than the old. We always started in prepared to find her worse; and the first kind words we ever had for our teacher were spoken after she was gone and we compared her with the new one in her place. Our teachers seemed to treat us pretty well for the first few days. They were then very kind and

sweet; they hardly ever brought switches to the school until the second week, but we were always sure that they would be called into service early in the term. No old-time teacher would have dreamed that she could get through a term of school without a whip, any more than a judge would believe that society could get along without a jail. The methods that were used to make us learn, and the things we were taught, seem very absurd as I look back upon them now; and still, I presume, they were not different from the means employed to-day.

Most of us boys could learn arithmetic fairly well, — in this, indeed, we always beat the girls. Still, some parts of arithmetic were harder than the rest. I remember that I mastered the multiplication-table up to "twelve times twelve," backwards and forwards and every other way, at a very early age, and I fancy that this knowledge has clung to me through life; but I cannot forget the many weary hours I spent trying to learn the tables of weights and measures, and how much vexation of spirit I endured before my task was done. However, after weary weeks and

months I learned them so well that I could say them with the greatest ease. This was many, many years ago; since that time I have found my place in the world of active life, but I cannot now remember that even once have I had occasion to know or care about the difference between "Troy weight" and "Apothecaries' weight," if, in fact, there was any difference at all. And one day, last week I think it was, for the first time in all these endless years I wished to know how many square rods made an acre, and I tried to call back the table that I learned so long ago at school; but as to this my mind was an utter blank, and all that I could do was to see the little girl with the golden locks sitting at her desk — and, by the way, I wonder where she is to-day. But I took a dictionary from the shelf, and there I found it plain and straight, and I made no effort to keep it in my mind, knowing that if perchance in the uncertain years that may be yet to come I may need to know again, I shall find it there in the dictionary safe and sound.

And all those examples that I learned to cipher out! I am sure I know more to-day

than the flaxen-haired barefoot boy who used to sit at his little desk at school and only drop his nibbled slate-pencil to drive the flies away from his long bare legs, but I could not do those sums to-day even if one of my old-time teachers should come back from her long-forgotten grave and threaten to keep me in for the rest of my life unless I got the answer right.

And then the geography! How hard they tried to make us learn this book, and how many recesses were denied us because we were not sure just which river in Siberia was the longest! Of course we knew nothing about Siberia, or whether the rivers ran water or blood; but we were forced to know which was the largest and just how long it was. And so all over the great round world we travelled, to find cities, towns, rivers, mountain ranges, peninsulas, oceans, and bays. How important it all was! I remember that one of the ways they took to make us learn this book was to have us sing geography in a chorus of little voices. I can recall to-day how one of those old tunes began, but I remember little beyond the start. The song was about the capitals of

all the States, and it began, "State of Maine, Augusta, is on the Kennebec River," and so on through the whole thirty-three or four, or whatever the number was when I was a little child. Well, many, many years have passed away since then, and I have wandered far and wide from my old-time country home. There are few places in the United States that I have not seen, in my quest for activity and change. I have even stood on some of the highest peaks of the Alps, and looked down upon its quiet valleys and its lovely lakes; but I have never yet been to Augusta on the Kennebec River in the State of Maine, and it begins to look as if I never should. Still, if Fortune ever takes me there, I shall be very glad that I learned when yet a child at school that Augusta was the capital of Maine and on the Kennebec River. So, too, I have never been to Siberia, and, not being a Russian, I presume that I shall never go. And in fact, wherever I have wandered on the earth I have had to learn my geography all over new again.

But, really, grammar made me more trouble than any other study. Somehow I never could learn grammar, and it always made me angry

when I tried. My parents and teachers told me that I could never write or speak unless I learned grammar, and so I tried and tried, but even now I can hardly tell an adverb from an adjective, and I do not know that I care. When a little boy, I used to think that if I really had anything to tell I could make myself understood; and I think so still. The longer I live the surer I am that the chief difficulty of writers and speakers is the lack of interesting thoughts, and not of proper words. Certainly grammar was a hideous nightmare to me when a child at school. Of all the parts of speech the verb was the most impossible to get. I remember now how difficult it was to conjugate the verb "to love," which the books seemed always to put first. How I stumbled and blundered as I tried to learn that verb! I might possibly have mastered the present tense, but when it came to all the different moods and various tenses it became a hopeless task. I am much older now, but somehow that verb has never grown easier with the fleeting years. The past-perfect tense has always been well-nigh impossible to learn. I never could tell when it left off, or whether

it ever left off or not. Neither have I been able to keep it separate from the present, or, for that matter, from the future. A few years after the district school, I went for a brief time to the Academy on the hill, where I studied Latin; and I remember that this same verb was there, with all the old complications and many that were new, to greet me when I came. To be sure, it had been changed to "Amo, Amas, Amat," but it was the old verb just the same, and its various moods and tenses caused me the same trouble that I had experienced as a little child. My worry over this word has made me wonder whether this verb, in all its moods and tenses, was not one of the many causes of the downfall of the Roman Republic, of which we used to hear so much. At any rate, I long since ceased trying to get it straight or keep it straight; indeed, I am quite sure that it was designed only to tangle and ensnare.

CHAPTER VI

THE SCHOOL READERS

IF we scholars did not grow up to be exemplary men and women, it surely was not the fault of our teachers or our parents, — or of the schoolbook publishers.

When I look back to those lessons that we learned, I marvel that I ever wandered from the straight path in the smallest possible degree. Whether we were learning to read or write, studying grammar or composition, in whatever book we chanced to take, there was the moral precept plain on every page. Our many transgressions could have come only from the fact that we really did not know what these lessons meant; and doubtless our teachers also never thought they had any sort of relation to our lives.

How these books were crammed with noble thoughts! In them every virtue was extolled and every vice condemned. I wonder now how

the book publishers could ever have printed such tales, or how they reconciled themselves to the hypocrisy they must have felt when they sold the books.

This moral instruction concerned certain general themes. First of all, temperance was the great lesson taught. I well remember that we children believed that the first taste of liquor was the fatal one; and we never even considered that one drop could be taken without leading us to everlasting ruin and despair. There were the alms-house, the jail, and the penitentiary square, in front of every child who even considered taking the first drink; while all the rewards of this world and the next were freely promised to the noble lad who should resist.

As I look back to-day, it seems as if every moral lesson in the universe must have grown into my being from those books. How could I have ever wandered from the narrow path? I look back to those little freckled, trifling boys and girls, and I hear them read their lessons in their books so long ago. The stories were all the same, from the beginning to the end. We began in the primer, and our instruction in reading and good conduct did

not end until the covers of the last book were closed.

It seems to me to-day that I can hear those little urchins reading about the idle lazy boy who tried to get the bee and the cow and the horse to play with him, — though what he wanted of the bee I could never understand, — but they were all too busy with their work, and so he ran away from school and had a most miserable day alone. How could we children ever stay away from school after we had read this lesson? And yet, I cannot now recall that it made us love our books, or think one whit less of the free breeze, the waving grass and trees, or the alluring coaxing sun.

We were taught by our books that we must on all accounts speak the truth; that we must learn our lessons; that we must love our parents and our teachers; must enjoy work; must be generous and kind; must despise riches; must avoid ambition; and then, if we did all these things, some fairy godmother would come along at just the darkest hour and give us everything our hearts desired. Not one story in the book told how any good could ever come from wilfulness, or selfish-

ness, or greed, or that any possible evil ever grew from thrift, or diligence, or generosity, or kindness. And yet, in spite of all these precepts, we were young savages, always grasping for the best, ever fighting and scheming to get the advantage of our playmates, our teachers, and our tasks.

A quarter of a century seems not to have wrought much change; we still believe in the old moral precepts, and teach them to others, but we still strive to get the best of everything for ourselves.

I wonder if the old school-readers have been changed since I was a boy at school. Are the same lessons there to-day? We were such striking examples of what the books would not do that one would almost think the publishers would drop the lessons out.

I try to recall the feelings of one child who read those stories in the little white schoolhouse by the country road. What did they mean to me? Did I laugh at them, as I do to-day? Or did I really think that they were true, and try and try, and then fail in all I tried, as I do now? I presume the latter was the case; yet for my life I cannot recall the

thoughts and feelings that these stories brought to me. But I can still recall the stories.

I remember, as if it were yesterday, the story about the poor widow of Pine Cottage, in the winter, with her five ragged children hovering around her little table. Widows usually had large families then, and most of their boys were lame. This poor widow had at last reached the point where starvation faced her little brood. She had tasted no food for twenty-four hours. Her one small herring was roasting on the dying coals. The prospect was certainly very dark; but she had faith, and somehow felt that in the end she would come out all right. A knock is heard at the back door. A ragged stranger enters and asks for food; the poor widow looks at her five starving children, and then she gives the visitor the one last herring; he eats it, and lo and behold! the stranger is her long-lost son, — probably one that was left over from the time when she was a widow before. The long-lost son came in this disguise to find out whether or not his mother really loved him. He was, in fact, rich; but he had borrowed the rags at the tavern, and had just arrived from India with a ship-

load of gold, which he at once divided among his mother and brothers and sisters. How could any child fail to be generous after this? And yet I venture to say that if any of us took a herring to school for dinner the day that we read this story in our class, we clung to it as tenaciously as a miser to his gold.

Then there was the widow with her one lame son, who asks the rich merchant for a little charity. He listens to her pathetic story, and believes she tells the truth. He asks her how much she needs. She tells him that five dollars will be enough. He writes a check, and tells her to go across the street to the bank. She takes it over without reading it. The banker counts out fifty dollars. She says, "There is a mistake; I only asked for five dollars." The banker goes across the street to find out the truth, and the merchant says: "Yes, there was a mistake, I should have made it five hundred," — which he straightway does. Thus honesty and virtue are rewarded once again. I have lived many years and travelled in many lands, and have seen more or less of human nature and of suffering and greed; I have seen many poor widows, — but

have never yet come across the generous merchant.

There was no end to the good diligent boys and girls of whom the readers told; they were on every page we turned, and every one of them received his or her reward and received it right away in cash. There never was the slightest excuse or need for us to be anything but diligent and kind, — and still our young hearts were so perverse and hard that we let the lessons pass unheeded, and clutched at the smallest piece of pie or cake, or the slightest opportunity to deceive some good kind teacher, although we must have known that we missed a golden chance to become President of the United States and have money in the bank besides.

One story of a contented boy stands out so clearly in my mind that I could not refrain from hunting up the old schoolbook and reading it once more. It must have made a wonderful impression on my mind, for there it is, "The Contented Boy." I cannot recall that I ever was contented in my life, and I am sure that I have never seen a boy like this one in the reader; but it is not possible that I

knew my schoolbooks were clumsy, stupid lies. After all this time there is the story, clear and distinct; and this is the way it runs:

THE CONTENTED BOY.

Mr. Lenox was riding by himself. He got off from his horse to look at something on the roadside. The horse broke away from him and ran off. Mr. Lenox ran after him, but could not catch him.

A little boy at work in a field, near the road, heard the horse. As soon as he saw him running from his master, the boy ran very quickly to the middle of the road, and catching the horse by the bridle, stopped him till Mr. Lenox came up.

Mr. Lenox. Thank you, my good boy. What shall I give you for your trouble?

Boy. I want nothing, sir.

Mr. L. You want nothing? Few men can say as much. But what were you doing in the field?

Boy. I was rooting up weeds, and tending the sheep that were feeding on turnips.

Mr. L. Do you like to work?

Boy. Yes, sir, very well, this fine weather.

Mr. L. But would you not rather play?

Boy. This is not hard work. It is almost as good as play.

Mr. L. Who set you to work?

Boy. My father, sir.

Mr. L. What is your name?

Boy. Peter Hurdle, sir.

Mr. L. How old are you?

Boy. Eight years old next June.

Mr. L. How long have you been here?

Boy. Ever since six o'clock this morning.

Mr. L. Are you not hungry?

Boy. Yes, sir, but I shall go to dinner soon.

Mr. L. If you had a dime now, what would you do with it?

Boy. I don't know, sir. I never had so much.

Mr. L. Have you no playthings?

Boy. Playthings? What are they?

Mr. L. Such things as ninepins, marbles, tops, and wooden horses.

Boy. No, sir. Tom and I play at football in winter, and I have a jumping-rope. I had a hoop, but it is broken.

Mr. L. Do you want nothing else?

Boy. I have hardly time to play with what I have.

Mr. L. You could get apples and cakes if you had money, you know.

Boy. I can have apples at home. As for cake, I don't want that. My mother makes me a pie now and then, which is as good.

Mr. L. Would you not like a knife to cut sticks?

Boy. I have one. Here it is. Brother Tom gave it to me.

Mr. L. Your shoes are full of holes. Don't you want a new pair?

Boy. I have a better pair for Sundays.

Mr. L. But these let in water.

Boy. I do not mind that, sir.

Mr. L. Your hat is all torn, too.

Boy. I have a better one at home.

Mr. L. What do you do if you are hungry before it is time to go home?

Boy. I sometimes eat a raw turnip.

Mr. L. But if there are none?

Boy. Then I do as well as I can without. I work on and never think of it.

Mr. L. I am glad to see that you are so contented. Were you ever at school?

Boy. No, sir. But father means to send me next winter.

Mr. L. You will want books then.

Boy. Yes, sir; each boy has a spelling-book, a reader, and a Testament.

Mr. L. Then I will give them to you. Tell your father so, and that it is because you are an obliging, contented little boy.

Boy. I will, sir. Thank you.

Mr. L. Good-bye, Peter.

Boy. Good-morning, sir.

One other story that has seemed particularly to impress itself upon my mind was about two boys, one named James and the other named John. I believe that these were their names, though possibly one was William and the other Henry. Anyhow, their uncle gave them each a parcel of books. James took out his pocket-knife and cut the fine whipcord that bound his package, but John slowly and patiently untied his string and then rolled it into a nice little ball (the way a nice little boy would do) and carefully put it in his pocket. Some years after, there was a great shooting tournament, and James and John were both there with their bows and arrows; it was late in the game, and so far it was a tie. James seized his last arrow and bent his bow; the string broke and the prize was lost. The book does not tell us that in this emergency John offered his extra piece of whipcord to his brother; instead, the model prudent brother took up his last arrow, bent his bow, when, lo and behold! his string broke too; whereupon John reached into his pocket and pulled out the identical cord that he had untied so long ago, put it on the bow, and of course won the prize!

That miserable story must have cost me several years of valuable time, for ever since I first read it I have always tried to untie every knot that I could find ; and although I have ever carefully tucked away all sorts of odd strings into my pockets, I never attended a shooting-match or won a prize in all my life.

One great beauty of the lessons which our school readers taught was the directness and certainty and promptness of the payment that came as a reward of good conduct. Then, too, the recompense was in no way uncertain or ethereal, but was always paid in cash, or something just as material and good. Neither was any combination of circumstances too remote or troublesome or impossible to be brought about. Everything in the universe seemed always ready to conspire to reward virtue and punish vice.

I well remember one story which thus clearly proved that good deeds must be rewarded, and that however great the trouble the payment would not be postponed even for a day.

It seems that a good boy named Henry — I believe the book did not give his other name — started out one morning to walk about five

miles away to do an errand for his sick father. I think it was his father, though it may possibly have been his mother or grandmother. Well, Henry had only got fairly started on his journey when he met a half-starved dog; and thereupon the boy shared with the dog the dinner that he was carrying in his little basket. Of course I know now that, however great his kindness, he could not have relieved the dog unless he had happened to be carrying his dinner in a little basket; but my childish mind was not subtle enough to comprehend it then. After relieving the dog, Henry went on his way with a lighter heart and a lighter basket. Soon he came upon a sick horse lying upon the ground. Henry feared that if he stayed to doctor the horse he would not get home until after dark; but this made no sort of difference to him, so he pulled some grass and took it to the horse, and then went to the river and got some water in his hat (it must have been a Panama) and gave this to the horse to drink, and having done his duty went on his way. He had gone only a short distance farther when he saw a blind man standing in a pond of water. (How the blind man got into

the pond of water the story does not tell,— the business of the story was not getting him in but getting him out.) Thereupon little Henry waded into the pond and led the blind man to the shore. Any other boy would simply have called out to the man, and let him come ashore himself. Of course, if Henry had been a bad boy, and his name had been Tom, he would have been found leading the blind man into the pond instead of out, and then of course he (Tom) would have taken pneumonia and died.

But Henry's adventures did not end here. He had gone only a little way farther when he met a poor cripple, who had been fighting in some war and who was therefore a hero, and this cripple was very hungry. Henry promptly gave him all the dinner he had saved from his interview with the dog; and having finished this further act of charity, he at last hurried on to do his errand. But he had worked so long in the Good Samaritan business that by the time he started home it began to get dark. Then, of course, he soon reached a great forest, which added to his troubles. After wandering about for a long time in

the darkness and the woods, he sat down in hunger and despair. Thereupon his old friend the dog came into the wood and up to the tree where Henry sat, and he found that the dog carried some bread and meat nicely pinned up in a napkin in payment for the breakfast given him in the morning. How the dog had managed to pin the napkin, the story does not tell. After eating his supper, Henry got up and wandered farther into the woods. He was just despairing a second time, when by the light of the moon he saw the horse that he had fed in the morning. The horse took him on his back and carried him out of the wood; but the poor boy's troubles were not yet done. He was passing along a lane, when two robbers seized him and began stripping off his clothes; then the dog came up and bit one robber, who thereupon left Henry and ran after the dog (presumably so that he might get bitten again), and just then some one shouted from the hedge and scared the other robber off. Henry looked toward the hedge in the darkness, and, behold! there was the crippled soldier riding on the back of the blind man, — and in this way they had all come together to save

Henry and pay him for being such a good little boy.

When such efforts as these could be put forth for the instant reward of virtue, where was there a possible inducement left to tempt the most wayward child to sin?

Not only good conduct, but religion, was taught to us children in the same direct and simple way. Nothing seemed to pay better than Sabbath observance, according to the strict rules that obtained when I was young.

I remember the story of a barber who was doing a "thriving business" in an English city. He was obliged to shave his customers on Sunday morning (possibly in order that they might look well at church). However, one Sunday the barber went to church himself; and, as it so happened, the minister that day preached a sermon about Sabbath observance. This made so deep an impression on the barber's mind that he straightway refused to do any more shaving on Sunday. Thereupon he was obliged to close his shop in the aristocratic neighborhood where he had lived, and rent a basement amongst the working people who did not go to church and hence had no need of a Sunday shave.

One Saturday night a "pious lawyer" came to town and inquired in great haste where he could find a barber-shop, and was directed to this basement for a shave. The "pious lawyer" told the barber that he must have his work done that night, as he would not be shaved on the Sabbath day. This at once impressed the barber, who was then so poor that he was obliged to borrow a halfpenny from his customer for a candle before he could give him the shave. When the "pious lawyer" learned of the barber's straits, and what had been the cause, he was so deeply moved that he gave him a half-crown, and asked his name. The barber promptly answered that it was William Reed. At this the lawyer opened his eyes, — doubtless through professional instinct, — and asked from what part of the country the barber had come. When he answered, from Kingston, near Taunton, the lawyer's eyes were opened wider still. Then he asked the name of the barber's father, and if he had other relatives. The barber told his father's name, and said that he once had an "Uncle James," who had gone to India many years before and had not been heard from since. Then

the "pious lawyer" answered: "If this is true, I have glorious news for you. Your uncle is dead, and he has left a fortune which comes to you." It is needless to add that the barber got the money, — and of course the death of the uncle and the good luck of the nephew were entirely due to the fact that the barber would not shave a customer on the Sabbath day.

Well, those were marvellous tales on which our young minds fed. I wonder now which is the more real, — the world outside as it seemed to us in our young school-days, or that same enchanted land our childhood knew, as we look back upon the scene through the gathering haze that the fleeting years have left before our eyes!

CHAPTER VII

THE LAST DAY OF SCHOOL

SCHOOL had at least two days that made us as happy as children could well be. One was the first day of the term, and the other was the last. Anxious days and weeks and much nervous expectation led up to the first day of school; we wondered what our teacher would be like, and eagerly picked up and told and retold all the gossip that floated from her last place as to her good points and her bad, — especially her bad. Then there was always the question as to what pupils would be at school; what new faces we should see and what old ones would be gone, and whether or not we should like the new ones better than the old. Our minds were firmly made up on this point before we went to school, and no possible circumstance could make us change the opinion, or rather the determination, we had formed. Then we speculated and negotiated as to who should be our seat-mate for the term, or until we fought.

There was always the question of studies and classes, and whether the new teacher would let us begin where the old left off, or whether we should have to commence the book over again. We almost always began again, and thus the first parts of our books were badly worn and thumbed, while the pages in the back were fresh and new.

We looked forward to the last day with all the expectancy of the first. Long before this the work began to drag; the novelty had all worn off, and our life was a constant battle with the teacher to see how much we need not do. As the last day drew near, our minds were filled with visions of how easy life would be when there was no school, and of the pleasure the summer held in store for us. On the last day we had no lessons to recite, and in the afternoon our parents were invited in, and we spoke pieces and read essays, — that is, the boys generally spoke the pieces and the girls read the essays. Somehow a boy never could write an essay, and even if he could manage to write one it would be beneath his dignity to stand up on the platform and read from little sheets of note-paper tied with red or blue ribbon. But this

task seemed especially to fit the girls. In the first place, they could write better than the boys, — letters or essays or anything of the kind. In the next place, they could not be thought of as standing bolt upright and facing the whole school, visitors and all; they were too shy to stand out alone with nothing in their hands to hide their faces. So the girls read essays on Success, and Work, and Truthfulness, and Spring, and things like that, while the boys spoke pieces. Sometimes we were afraid, but after a little practice we promptly answered to our names, and went on the platform and spoke with the greatest assurance, holding our heads up and making the gestures according to printed forms laid down in the books.

I fancy that none of us ever really understood anything about the pieces that we spoke. I remember in a general way that they were mainly of our country, and brave boys fighting and winning victories and dying, and about the evils and dangers of strong drink. We had a great many pieces about intemperance, ambition, and the like. I especially remember one boy, with red hair and freckles and a short neck and large warts on his hands, who used always to

speak a piece entitled "How have the Mighty Fallen." I don't know who wrote it, or where it came from, or what has become of it; but I remember the piece almost as well as if I heard it yesterday. This boy was the prize speaker of the school, and the piece told about Alexander and Cæsar and Napoleon, and how and why they failed. Their lack of success was due to ambition and strong drink. I know this piece made a deep impression on my mind, and I always vowed that I never would fail as Alexander and Cæsar and Napoleon had done, — and I never have. I remember that once my father came to school on the last day, in the afternoon, to hear us speak; and when I got home at night he told me that the boy who spoke the piece about How the Mighty had Fallen had all the elements of an orator, and he predicted that some day he would make his mark in the world. I felt that I would have given everything I possessed if only my father had said that about me. I know that in my tactful way I led up again and again to the piece that I had spoken, but about this my father said not a single word.

How I envied that red-headed lad, and how

I wondered if there really was any chance that I might come out as well as he! For some years my remembrance of this youth had passed away, until the last time I went back home. Then, as I drove past his house with never a thought of my old-time friend, I looked over into the weed-covered yard, — perhaps it was weedy before, but I did not so remember it, — and there I saw a man with a hoe in his hand cleaning out a drain that ran from the cellar to the ditch in front of the house. I looked closely at him, and I never in the world should have known him; but he came down to the fence, and leaned on his hoe, and hailed me as I passed. No doubt he had heard that I had come to town. Then I remembered the piece about How the Mighty had Fallen, and the little red-headed boy at school; but this boy's hair was white, he was bent, and his clothes were about the color of his hair and hands and face in those far-off years when he spoke the piece. I was shocked, but I tried not to let him know it. I asked him how he was, and how he was getting along; and he told me he was very well, and was doing first-rate. And then I thought of my poor father,

who said that he had all the elements of an orator and would make his mark some day. Well, perhaps he had made his mark, even though he was cleaning out a cellar-drain, — and, after all, this is better work than making speeches, however fine.

To go back to the last day of school. I remember one piece that we used to speak, about Marco Bozzaris, and how he got into a fight with some Turks; and first he was killed, and then he killed the Turks, as it seemed to me. I had no idea who the Turks were, or why Marco Bozzaris was fighting them, or what it was all about; but I seemed to think there were certain parts of the piece that should be spoken in a loud voice, and certain others that should be said very softly. The book I learned it from had characters or figures that told us when we should speak softly and when we should speak loudly, and we always followed the instructions of the book. If it had told us to speak loudly when it said softly, and softly instead of loudly, we would have done it that way without a thought that it could make any difference with the piece. I have no doubt that if I should read "Marco Bozzaris" to-day

I should read it loudly and softly in just the same places that I did at school, without any more regard for what it meant than I had then.

But there was one piece that I always thought especially fine. It was about Casabianca. The name now sounds to me like a Spanish name, but I am sure I had no thought then of what it was. It might have been a Swedish or an Irish name, for all I knew. I remember that this Casabianca was a lad about my own age, and somehow he was on a ship in a battle, and his father was with him. His father was called away on some important matter, and told Casabianca to stand right there on a certain spot and wait until he got back. Something must have detained him, — as I recall it, he was killed, or something of that kind, — at any rate, he did not get back, and it grew dark, and Casabianca began to cry. Pretty soon, to make matters worse, a fire broke out on board the ship, and the smoke began to smother him and the flames to roll around him. The other people on the ship ran to the shore, and they called to him to run too, and the gang-plank had not been taken in or burned, and he had lots of time to get away; but no, his father had gone off, and

had told Casabianca to wait until he returned, and he proposed to wait. So he called wildly for his father a great many times; but his father did not come. Still the boy stood fast, and the flames crept slowly up until he was burned to cinders at his post.

This was a very exciting story, and we used to speak it with voices loud and soft, and with gestures that looked like rolling fire and smoke. I did not really know then, but I know now, that this piece was written by somebody who fancied himself or herself a poet, and that it was written to teach a moral lesson. I remember that the last line read: "But the noblest thing that perished there was that young and faithful heart." From this I am sure that the lesson meant to be taught was the great virtue of obeying your parents.

I cannot recall that I ever heard any of our teachers say a word about this poem, so I infer that they must have approved its sentiments. Of course I am old enough now to know that a boy who would stick to a burning ship like that might just as well get burned up and be done with it at once. But I cannot exactly make up my mind what punishment should be

given to the poet or the book-publisher or the teacher who allowed this sort of heroics to be given to a child.

In our pieces and in our lessons a great deal was said about the duties that children owe their parents, a great deal about how much our parents had done for us, and how kind and obedient we should be to them. But I cannot recall that there was a single line about the duties that parents owe to children, and how much they should do for the child who had nothing to say about his own entrance into the world. It is true that these books were written for children, but just as true that the children were to become parents, and that most of them would get little instruction beyond the district school. Which fact may to some extent account for the great number of bad and foolish parents in the world.

Many of these pieces told how much we owed the country, and of our duty to live for it and fight for it, and if need be to die for it. I cannot recall that a single one ever told of any duty the country owed to us, or anything that should be given in return for our service and our lives. All of which shows what a

great handicap we children suffered by being obliged to go to school.

After the last piece had been spoken, the teacher put on her most serious face (she always had a variety of faces to put on) and told us how she loved us all, — although she had never said a word of this sort before, — how good and faithful and studious we had been; she told us how kind our parents were to let us go to school, how sad she felt at the final parting, and how impossible it was that the little group could ever be gathered together again this side of heaven, which she trusted all of us would some day reach, so that she might meet us once again. At this we began to regret that we had not treated her better and been more obedient to her rules. Then we felt sad, and drew our coat-sleeves across our eyes, and wished that she would stop talking and let us go out. Finally she spoke the last words and dismissed the school, and our days of captivity were done. Each child snatched his carefully packed books and slate, and with shouts and laughter rushed through the schoolhouse door into the free open world outside.

CHAPTER VIII

FARMINGTON

OUR house stood a short distance beyond the town, and on the other side of the creek that ran my father's mill. This little stream came down out of the hills from somewhere a long way off, and emptied into the river that wound through the long valley beside the road, flowing from no man knew where. I must have been nine or ten years old before I was allowed to go to the mouth of the stream and watch it join the river and run off between the high hills beyond the town into the great unknown world. Many years before, I had heard that there was such a place, but I was not allowed to go; it was so far away, and the dangers were supposed to be so very great,— though why, I cannot say, any more than I can give a reason for other things that we boys believed, or, for that matter, that we grown-up folk believe.

But I used to go quite early across the creek to the little town; at first holding my father or mother tightly by the hand, or, rather, having my hand held close by theirs. There were many wonders on the way: first, the old wooden bridge that used often to be carried off in the spring, when heavy rains and melting snow and ice came down the stream. But this bridge was nothing compared with the long covered one below the town, that I found some years later, when I had grown large enough to fish and was ashamed to hold my father and my mother by the hand.

Just across the stream was the blacksmith-shop into which I used to look with wondering eyes. I can see now the white-hot iron as the old bare-armed smith pulled it from the coals and threw the sparks in all directions, frightening me almost beyond my wits; still, I would always go back to the open door to be scared again. Especially in the early dusk, this old blacksmith-shop, with its great bellows and anvil and hammers, and its flying sparks and roaring fire lighting up the room and throwing dark shadows in the corners and around the edges, was a constant source of

wonder and delight; and I used to beg my good father to throw away my stupid books and apprentice me to learn the blacksmith trade. But he steadfastly refused my prayers and tears, and told me that I would live to thank him for denying this first ambition of my life. Well, I did not learn the trade, and in a halting way I have followed the path into which the kind old miller guided my young reluctant feet. Still, I am not yet sure that he was right; for all my life, when I am honest with myself, I cannot help the thought that I have been a good deal of a blacksmith, after all.

Just beyond was the wagon-shop, where they made such nice long shavings, and where we used to go and play "I spy," or "High spy," as we boys called the game. The benches, wagons, and piles of lumber, and the garret overhead, furnished the best possible places for us to hide.

Then came the shoe-shop, where my father took us to get our winter boots, which he paid for by trading flour saved up from his tolls. This shop was a large affair, with three or four men and boys working steadily in the busy season of the year. Two or three checker-

boards, too, were constantly in use, especially in the long winter evenings, and every man in the room would tell the player where he ought to move, or rather where he should have moved in order to win the game.

The old shoe-shop was a great place to discuss the questions of the day; it was even more popular than the store. Politics and religion were the favorite topics then, as they are to-day, — as they have ever been since the world began, and will ever be while the world shall last; for one of them has to do with the brief transitory life of man upon the earth, and the other with his everlasting hopes and doubts, desires and fears for another life when this is done. Besides politics and religion, men and women were discussed, — all the men and women for miles around who were not there; these critics debated about the skill of the blacksmith and the carriage-maker, the thrift of the merchant and the farmer, and the learning of the preachers and the doctors. This last topic was a never-ending subject for debate, as there were two of each. I do not remember what they said about the preachers, but I know that when any doctor was discussed his disciples stoutly claimed that

he was the best in the whole country round, while his enemies agreed that they would not let him "doctor a sick cat." As I recall those little groups, their opinions on men and women almost always seemed unfavorable and hard, like most of the personal discussions that I have ever heard. After much reflection I have reached the conclusion that all people are envious to a greater or a less degree, and of course each one's goodness and importance increase in proportion as those of others are made to grow less.

The last time I went back along the road, I found that the wagon-shop and the shoe-shop had long since closed their doors. Cincinnati buggies and Studebaker wagons had driven away the last board of the old lumber-piles around which we children used to play; and New England shoe-factories had utterly destroyed the old forum where were discussed the mysteries of life and death. Even the customs of the simple country folks had changed, for I observed that the boys wore shoes instead of boots; but in those days all the girls wore shoes, and now they were wearing boots. The blacksmith-shop still stood beside the road,

but the old smith had gone away, and his son was now hammering stoutly at the same piece of white-hot iron that his father pulled out of the red coals so long ago; but the little boy who once looked in with wondering eyes at the open door, — it seemed as if he too were dead and buried forever behind a great mass of shifting clouds heaped so thick and high as to make nothing but a dream of those far-off childhood years.

I had almost forgotten to tell the name of my boyhood town. It was Farmington; and I feel that I ought to write it down in this book, so that the world may know exactly where it is, for I am sure it was never in a book before, excepting a county atlas that once printed pictures and biographies of all the leading citizens of the place. I remember that the agent came to see my father, and told him what a beautiful picture the mill would make, and how anxious he was to have his portrait and history in the book. I really believe my father would have given his consent but for the reason that the season had been dry and he did not dare to sign a note. Poor man! I almost wish he had consented, for even if the book had never

been seen by any but the simple country folk who paid for their glory, as we all must do in some way, still my father could have read his own biography, and looked at the picture of himself and his famous mill. And really this is about the only reason that any of us write books, if the truth were known.

Beyond the shop the road ran into a great common which we called a square. This really was a wonderful affair, — about the size of Rhode Island, as it seemed to us. Here we boys often gathered on Saturday afternoons, and, when I grew older, on the few nights that my father was away from home, or on some special occasion when I prevailed on him to let me go there and play.

On one side of the square was the country store, — a mammoth establishment, kept by a very rich man, who had everything that was ever heard of on his shelves. I used to marvel how he could possibly think to buy all the things that he had to sell. Across the road from the store was the country tavern, and alongside it was a long low barn with a big shed at the end. A fierce dog was kept chained inside the barn. We hardly dared to look into

the tavern door, for we had all heard that it was a very wicked place. It was said that down in the cellar, in some secret corner, was a barrel of whiskey; and the tavern-keeper had once been sent for three months to the county jail, when some good people had gone in, one winter night, and told him that they were very cold, and asked him to sell them some whiskey to keep them warm. At any rate, our people would never let us go near the door. I used to wonder what kind of things they had to eat in the tavern. It was the only place I ever heard of where they charged anything for dinner or supper, and I thought the meals must be wonderful indeed, and I always hoped that some day I might have a chance to go there and eat.

On another side of the common was Squire Allen's place. This was a great white house, altogether the grandest in the town, — or in the world, for that matter, so we children believed. It was set back from the road, in the midst of a grove of trees, and there was a big gate where carriages could drive into the front yard along the curving roadway and up to the large front door. Beneath the overhanging

porch were four or five great square white pillars, and the door had a large brass knocker, and there were big square stone steps that came down to the road. Back of the house were a barn and a carriage-house, the latter the only building of the kind in Farmington.

Squire Allen was a tall man with white hair and a clean-shaven face. He carried a gold-headed cane, and when you met him on the street he never looked to the right or left. Everyone knew he was the greatest man in the place,—in fact, the greatest man in all the world. He had a large carriage, with two seats and big wheels and a top, and two horses; and he was nearly always riding in the carriage. I do not remember much about his family; I know that he had a little boy, but I was not acquainted with him, although I knew all the rest of the little boys in town. I would often see the Squire and his whole family out driving in their great carriage. I remember standing on the little bridge and looking down at the fishes in the brook; and I hear the rumble of wheels coming down the hill. I glance up, and there comes Squire Allen; his little boy is sitting on the front seat with him, and on the back seat

are some ladies that I do not know. They drive down the hill, the old Squire looking neither to the right nor left. I am afraid of being run over, and I go as near the edge of the bridge as I dare, to escape the great rolling wheels. The little boy peers out at me as the carriage passes by, as if he wondered who could dare stand in the road when his father drove that way ; but neither the Squire nor the ladies ever knew that I was there.

A few months ago, this same little boy called on me at my office in the city. He, like myself, had wandered far and wide since he passed me on the bridge. He came to ask me to help him get a job. Somehow, as I saw him then, and recalled the arrogance and pride that old Squire Allen and his family always had, I am afraid I almost felt glad that he had been obliged to come, I am almost sure I felt that at last fortune was making things right and even. I cannot find in my philosophy any good reason why the scheme is any more just if he was rich and I was poor when we were young, and I am rich and he is poor when we are growing old, — but still I believe I felt this way.

Old Squire Allen has been dead for a quarter

of a century and more. Last summer, when I visited the old Pennsylvania town, I went to the little burying-ground, and inside the yard I found an iron picket fence, and in this enclosure a monument taller than any other in the yard, and on this stone I read Squire Allen's name. Poor old man! It is many years since the worms ate up the last morsel of the old man that even a worm could find fit to eat, but still even after death and decay he lies there solitary and exclusive, the most commanding and imposing of all the names that seek immortality in the carved letters of the granite stones. Well, I am not sure but sometime I shall go back to Farmington and put up a monument higher than Allen's, and have "Smith" carved on the base; and then I suppose it will be easier to go down under it to rest.

But it is only when I am especially envious that I have such thoughts as these. I was yet a little boy in Farmington when they placed the old Squire inside the burying-ground. What a day was that! The store was closed; the tavern door was shut; the old water-wheel stood still; all Farmington turned out in sad

procession to follow the great man to his grave. The hawks and crows flying high above the town must have looked down and thought we mourned a king. At least no such royal funeral was ever seen in all those parts before or since. The burial of old Squire Allen was as like to that of Julius Cæsar as Farmington was like to Rome. So, after all, it would be very mean for me to buy a monument higher than his, just because I can; so I will leave him the undisputed monarch of the place, and will get for myself one of the small black oval-cornered slabs that we boys passed by with such contempt when we rambled through the yard to pick out the finest stones.

CHAPTER IX

THE CHURCH

FARMINGTON was a very godly place; so, at least, her people thought. Among the many well-known attractions of the town, its religious privileges stood easily at the head. A little way up the hill, on a level piece of ground, the early settlers long ago had built a great white church. The congregation professed the United Presbyterian faith; and this was the state religion, not only of Farmington but of all the country around. The church itself was a wonder to behold. It seemed to us children to have been built to accommodate all the people in the world and then have room to spare. No other building we had ever seen could be compared in size with this great white church. And when we read of vast cathedrals and other wonderful buildings, we always thought of the United Presbyterian church, and had no idea that they were half so grand.

The main part of the building was very long and wide, and the ceiling very high ; but more marvellous still was the great square belfry in the front. None of us boys ever knew how high it was ; we always insisted that it was really higher than it seemed, and we were in the habit of comparing it with all the tall objects we had ever seen or of which we had heard or read. It was surely higher than our flag-pole or our tallest tree, higher than Niagara Falls or Bunker Hill Monument ; and we scarcely believed that anyone had ever climbed to its dizzy top, although there was a little platform with a wooden railing round it almost at its highest point. We had heard that inside the belfry was an endless series of stairs, and that the sexton sometimes went to the top, when a new rope was to be fastened to the bell ; but none of us had so much as looked up through the closed trap-door which kept even the most venturesome from the tower.

The church stood out in plain view from every portion of the town ; and for a long distance up and down the valley road, and over beyond the creek on the farther hill it loomed majestic and white, — a constant reminder to

the people who lived round about that, however important the other affairs of life, their church and their religion were more vital still.

I never heard when the church was built. As well might we have asked when the town was settled, or when the country road came winding down, or even when the river began flowing between the high green hills. If any one object more than another was Farmington, surely it was the great white church.

I am certain that the people of the town, and, in fact, of all the country round, had no thought that religion was anything more or less, or anything whatever, than communion with the church.

High up in the belfry swung a monstrous bell. None of us had seen it, but we knew it was there, for every Sunday its deep religious tones floated over the valley and up the hills, breaking the stillness of the Sabbath day. Sometimes, when we were a little early at church, at the ringing of the bell we would look up to the tower and fancy that through the open slats of the belfry we could see some great object swinging back and forth; and then, too, all of us had seen the end of a rope

in a little room back of the organ on the second floor, and we had been told that the other end was fastened to the great bell away up in the high tower, and we used to wonder and speculate as to how strong the sexton must be to pull the rope that swung the mighty bell.

Every Sabbath morning the procession of farmers' wagons drove by our home on their way to church, and we learned to know the color of the horses, the size of the wagons and carriages, and the number of members in each family, in this weekly throng; we even knew what time to expect the several devotees, and who came first and who came last, and we assumed that those who passed earliest were the most religious and devout. These Sabbath pilgrims were dressed in their best clothes, and looked serious and sad, as became communicants of the church. The pace at which they drove, their manner of dress, cast of countenance, and silent and stolid demeanor were in marked contrast to their appearance on any other days.

The Sabbath, the church, and religion were serious and solemn matters to the band of

pilgrims who every Sunday drove up the hill. All our neighbors and acquaintances were members of the United Presbyterian church, and to them their religion seemed a very gloomy thing. Their Sabbath began at sun-down on Saturday and lasted until Monday morning, and the gloom seemed to grow and deepen on their faces as the light faded into twilight and the darkness of the evening came.

My parents were not members of the church; in fact, they had little belief in some of its chief articles of faith. In his youth my father was ambitious to be a minister, for all his life he was bent on doing good and helping his fellowman; but he passed so rapidly through all the phases of religious faith, from Methodism through Congregationalism and Universalism to Unitarianism and beyond, that he never had time to stop long enough at any one resting spot to get ordained to preach.

My father seldom went to church on Sunday. He was almost the only man in town who stayed away, excepting a very few who were considered worthless and who managed to steal off with dog and gun to the woods and hills. But Sunday was a precious day to my

father. Even if the little creek had been swollen by recent rains, and the water ran wastefully over the big dam and off on its long journey through the hills, still my father never ran his mill on Sunday. I fancy that if he had wished to do so the people would not have permitted him to save the wasted power. But all through the week my father must have looked forward to Sunday, for on that day he was not obliged to work, and was free to revel in his books. As soon as breakfast was over he went to his little room, and was soon lost to the living world. I have always been thankful that the religion and customs of the community rescued this one day from the tiresome monotony of his life. All day Sunday, and far into the night, he lived with those rare souls who had left the records of their lives and spirits for the endless procession of men and women who come and go upon the earth.

Both my father and my mother thought it best that we children go to church. So, however much we protested (as natural children always protest), we were obliged to go up the hill with the moving throng to the great white church.

In another part of the town, in an out-of-the-way place, was the unpretentious little Methodist church. It stood at the edge of the woods, almost lost in their shadow, and seemed to shrink from sight, as if it had no right to stand in the presence of the mighty building on the hill. We never went to this church, except to revivals, and we never understood how it was kept up, as its members were very poor. The shoemaker and a few other rather unimportant people seemed to be its only devotees. The Methodist preacher did not live in Farmington when I first knew the town, but used to drive in from an adjoining village in the afternoon, and preach the same sermon he had delivered in his home town in the morning, and then go on to the next village and preach it once more in the evening. Some years later, after a wonderful revival in which almost all outsiders except our family were converted to Methodism, this church became so strong that it was able to buy a piece of ground in the village and put up a new building with a high steeple, though it was nothing like as grand as the old white church on the hill. After this the

Methodist preacher came to Farmington to live.

But although we were not United Presbyterians, we children went regularly to this church because we had to go. The old bell that rang out so long on Sunday mornings always had a doleful sound to us, and altogether Sunday was a sore cross to our young lives.

There were many substantial reasons why we did not like the Sabbath day. Games of all kinds were prohibited; and although we managed sometimes to steal away to play, still we had no sooner begun a game than someone came along and made us stop. It made no difference who chanced to come, — anyone had the right to stop our playing on the Sabbath day. Then, too, on Sunday we must dress up. This was no small affair, for if we put on our best clothes and our stockings and boots when we first got up we were obliged to wear them nearly the whole day; whereas if we had on our comfortable everyday clothes in the morning, we must change them in an hour or less, so as to get ready for church. Even if we put on our best clothes and went barefoot until the first bell rang, then we were obliged to

wash our feet, — for our mother would not let us put on our stockings except in the early morning unless we first washed our feet. Then, after church was out and we had eaten dinner, we either had to wear our best clothes the rest of the day, or change them all; and then it was only a little while until bedtime, and we could not play even if we did change our clothes. If we just pulled off our boots and went barefoot the rest of the day, then we must wash our feet at night. Childhood was not all joy: it had its special sorrows, which grew less as years crept on, and one of the chief of these burdens, as I recall them, was the frequency with which we had to wash our feet.

But more burdensome if possible than this was the general "cleaning" on Sunday mornings. On week-days we almost always washed our faces and our hands each day, but as a rule this duty was left largely to ourselves, with a scolding now and then as a safeguard to its performance. Often, of course, we passed such a poor inspection at mealtimes that we were sent from the table to wash again. Still, for the most part we knew how much was absolutely required, and we managed to keep

just inside the line. But on Sundays all was changed. Then our words and good intentions went for naught. We were not even allowed to wash ourselves. Our mother always took us in hand, and the water must be warm, and she must use soap and a rag, and we had to keep our eyes shut tight while she was rubbing the soapy rag all over our faces,— and she never hurried in the least. We might have stood the washing of hands and faces, but it did not end here. Every Sunday morning our mother washed our necks and ears; and no boy could ever see the use of this. Nothing roused our righteous indignation quite so much as the forced washing of our necks. The occasion, too, was really less on Sunday than on any other day, because then we always wore some sort of stiff collar around our necks. Neither was it enough to wash our hands; our sleeves must be pushed up nearly to our elbows, and our arms scrubbed as carefully as if they too were going to show. Even if we had been in swimming on Saturday night, and had taken soap and towels to the creek, and had been laughed at by the other boys for our pains, still we must be washed just the same

on Sunday morning before we went to church. In the matter of Sunday washing our mother seemed never to have the slightest confidence in anything we said or did. There were no bathtubs in Farmington, — at least none that I ever heard of; so we boys had something to be thankful for, although we did not know it then. To be sure, we were often put into a common washtub on Saturday night or Sunday morning, but sometimes swimming was accepted in lieu of this.

When we were thoroughly cleaned, and dressed in our newest and most uncomfortable clothes, with stiff heavy boots upon our captive feet, our mother took us to the church. We were led conspicuously up the aisle, between the rows of high pews, set down on a hard wooden seat, the door of the pew fastened with a little hook to keep us safely in, and then the real misery began. The smallest of us could not see over the high pew in front, but we scarcely dared to play, except perhaps to get a piece of string out of our pockets, or to exchange marbles or jack-knives or memory-buttons, or something of the sort, and then we generally managed to get into some trouble and

run the risk of bringing our mother into disgrace. In the pew in front of us there usually sat the little girl with the golden curls, — or was it the one with the black hair? I am not sure which it was, but it was one of these, and I managed sometimes to whisper to her over the pew, until my mother or hers stopped the game. I somehow got along better with her on Sunday than at any other time, — perhaps because neither of us had then anything better to do than to watch each other.

I could not understand then, nor do I today, why we were made to go to church; surely our good parents did not know how we suffered, or they would not have been so cruel and unkind. I remember that the services began with singing by the choir in the gallery, and I sometimes used to turn around and look up to see the singers and the organ; and I remember especially a boy who used to sway back and forth, sideways, to pump the organ. I had an idea that he must be a remarkable lad, and endowed with some religious gifts, second only to the preacher. After the first song came the first prayer, which was not very short, but still nothing at all to the one yet in

store. Then came more singing, and then the long prayer. My! what agony it was! I remember particularly the old preacher as he stood during those everlasting prayers. I can see him now, — tall and spare and straight, his white face encircled with a fringe of white whiskers. I always thought him very old, and supposed that he came there with the church, and was altogether different from other men. As he prayed, he clasped his hands on the great Bible that lay upon the altar, and kept his eyes closed and his face turned steadily toward the ceiling. He spoke slowly and in a moderate tone of voice, and in the most solemn way. I never could understand how he kept his eyes closed and his sad face turned upward for so long a time, excepting that he had a special superhuman power.

I could not have sat through that prayer, but for the fact that I learned to find landmarks as he went along. At a certain point I knew it was well under way; at another point it was about half done; and when he began asking for guidance and protection for the President of the United States, it was three-quarters over, and I felt like a shipwrecked mariner sighting

land. But even the longest prayers have an end, and when this was through we were glad to stand up while they sang once more. Then came the sermon, which was longer yet; but we did not feel that we must sit quite so still as during the long prayer. First and last I must have heard an endless number of the good old parson's sermons read in his solemn voice; but I cannot now remember a single word of anyone I heard. After the sermon came singing and a short prayer, — any prayer was short after what we had passed through, — then more singing, and the final benediction, which to us children was always a benediction of the most welcome kind.

CHAPTER X

THE SUNDAY-SCHOOL

WHEN the church services were ended, we children stayed for Sunday-school. There was never anything especially alluring in Sunday-school; still it was far better than the church. At least ten or twelve of us boys could sit together in a great high pew, and no one could keep us from whispering and laughing and telling jokes. Even the teachers seemed to realize what we had been through, and were disposed to allow us a fair amount of liberty in Sunday-school.

The superintendent was a young man named Henry Pitkin. He was a few years older than the boys. I cannot now remember what he did on week-days; we never thought of him as working, or wearing old clothes, or doing anything except being superintendent of the Sunday-school. I presume he is dead, poor fellow, for I know he was always sickly, — at least, that is what we boys thought. I believe

he was threatened with consumption, and I heard people speak of him with pity and say what a nice young man he was. I never knew him to take part in our games, or to go swimming or fishing, or anything of that kind. I cannot remember that he was cross or unkind, or what we boys called mean; but still I know we never talked so loud, and were always a little more particular, and sometimes stopped our games, when he came along the road. I am sure we felt sorry for him, and thought he never had any fun. He was always dressed up, even when it was not Sunday; and he never went barefooted, or shouted, or made any kind of jokes. I know that I often saw him go up to the church, to the Thursday evening prayer-meetings, in the summer-time. He would walk past us while we were playing ball on the square in the long twilight. None of us could understand why he went to prayer-meeting on Thursday night. None of us really knew what prayer-meeting was. We never had to go to church any day but Sunday, and although our curiosity was strong it never led us to go to the Thursday evening prayer-meeting. Everybody who went seemed awfully old, except

Henry, and we never understood how he could go. Sometimes we met him going to the preacher's for an evening visit, and this seemed still stranger. None of us boys ever went for an evening visit anywhere; and if we had gone we never would have thought of going to the preacher's, — he was so old and solemn, and we were sure that if we ever went there he would talk to us about religion.

Our fathers and mothers and the grown-up people were always telling us what a good boy Henry was, and asking us why we did n't do things the way he did. Of course, we could n't do as he did, no matter how hard we tried.

In the Sunday-school Henry always told us what to sing; he would talk to us softly and quietly, and he never scolded the least bit. He always asked us to be good, and told us how much happier we would be if we learned lots of verses, and never called bad names, or fought, and always tried to do right. Henry told us all about the lesson papers, and seemed to know everything there was in the Bible, and all about Damascus and Jericho and those foreign cities that are in the Bible. Then he used to give out the Sunday-school books. We usually

took one of these home with us, but we never cared much about them. The stories were all rather silly, and did n't amount to much.

We boys used to argue about what a superintendent was, and just how high an office Henry had. We all knew that it was not so high as the preacher's, but we thought it was next to his, and some said it was below a deacon. Some of us thought that Henry was elected by the Sunday-school teachers, and some thought his office was higher than theirs and that he could turn them off whenever he had a mind to.

When the Sunday-school began, Henry would make us a little speech, telling us something about the lesson-papers, and sometimes telling us a story that he said came out of the Bible ; and then he would have one of the boys pass around the singing-books, and tell us what piece to sing. The boys and girls rather liked the singing. With the boys the singing partook largely of the nature of physical exercise.

We used to stand up and sing together in a chorus, or as nearly in harmony as the superintendent and the organ could possibly keep us. True, the songs were not of a humorous or even cheerful nature; but then we really had

no idea of what they meant, if indeed the teachers or the authors had, and we sang them with the same zest and vigor that we would have given to any other words. I especially remember one song that we sang pretty well, and very loud and earnestly; not with the least bit of sadness or even solemnity, but with great energy and zeal. It began with the lines, "I want to be an angel, and with the angels stand." Now, of course, there was not a boy or girl in the school who wanted to be an angel; neither did the teachers or the superintendent, or even the parson. In fact, this was the last thing that any of us wanted; but we fairly shouted our desire to be an angel in a strong chorus of anything but angelic voices. I presume children sing that same song to-day in Sunday-school, and sing it without any more thought of its meaning than the little freckle-faced boys and girls who used to gather each Sunday in the old white church and fidget and fuss over their new stiff clothes and their hard and pinching boots.

Besides the singing, the chief work of the Sunday-school teachers was to have us learn verses from the Testament. Of course, none

of us had any idea what these verses meant, or why we were to learn them, or what we were to do with them after they were learned. In a general way, we all knew that the Testament was a sacred volume, and not to be read or studied or looked at like any other book; and certainly the lives and characters of which it told were in no way human, but seemed hazy, nebulous, and far away.

I cannot recall all the means that were taken to make us learn those verses. Of course there was no whipping in the Sunday-school as there was in the district school, and the inducements given us were of a somewhat higher kind. I especially remember that for every certain number of dozen verses we learned we were given a red card; this card had a picture of a dove on the top and some verses below it, and a red border around the edges; then I know that for a certain number of red cards we were given a blue card similar to the red, except that the dove had been changed to a little spring lamb. I cannot recall what we got for the blue card; probably nothing at all. It was no doubt the ultimate. There must be somewhere an ultimate with children as with men.

I remember that at Christmas time we had a tree, and the two churches used sometimes to get up a rivalry as to the value of the presents, and there were little desertions back and forth on this account. I know we all thought that the number and value of the presents would be in some way related to the number of verses we had learned; and I am sure that the number of scholars and the regularity of attendance always increased toward Christmas time. I must have learned a great many million verses first and last, but none of them seem to have made any impression on my mind, and I can now recall only a few about John the Baptist, who came preaching in the wilderness of Judæa, and had a leather girdle around his waist, and whose food was locusts and wild honey, and who called on all the people in the wilderness to repent, for the kingdom of heaven was at hand. Now, I am certain that John the Baptist did not seem a real man to me, and that I had no idea of what the wilderness of Judæa was like or what sort of people lived there. All this was only so many verses to be learned, for which I would get so many cards. I believe I thought that John the Baptist had

some sort of relation to the Baptist church, and I wondered how he could live on locusts and wild honey; for I had seen locusts, and they were only a sort of flying bug, and no more fit to eat than a grasshopper or a horse-fly. I am sure that I thought this a very slim diet for a man, — even for a preacher, who we thought cared little about what he ate. I have grown older now, and wiser, and have heard many John the Baptists preaching in the wilderness and calling unwilling sinners to repentance; and now I do not so much wonder about the locusts, but I can scarcely understand how he was so fortunate as to get the wild honey.

But the one thing that most impresses me as I look back on the day-school and the Sunday-school where we spent so many of our childhood hours is the unreality of it all. Surely none of the lessons seemed in any way related to our lives. None of them impressed our minds, or gave us a thought or feeling about the problems we were soon to face.

Often on Sunday evening my father gathered us about the family table in the dining-room and read a sermon from Channing or Theodore Parker or James Martineau. I cannot

recall to-day a single word or thought or impression that lingered from the sermons Channing preached, but I am sure that the force and power and courage of Parker left an impression on my life; and that even in my youth the kindly, gentle, loving words and thoughts of James Martineau were not entirely thrown away on me.

The old preacher, as he stood before us on Sunday morning, never seemed quite like a man,—we felt that he was a holy being, and we looked on him with fear and reverence and awe. I remember meeting him in the field one day, and I tried to avoid him and get away; but he came to me and talked in the kindest and most entertaining way. He said nothing whatever about religion, and his voice and the expression of his face were not at all as they seemed when I sat in front of him in the hard pew during the terrible "long prayer."

But my father never feared him in the least, and often these two old men met for an evening to read their musty books, although I could not understand the reason why. After I had gone to bed at night I often heard them working away at their Greek, with more pains than

any of the scholars at the school. I wondered why they did these tasks, when they had no parents to keep them at their work. I was too young to know that as these old men dug out the hard Greek roots, they felt the long stems reaching back through the toilsome years and bringing to their failing lives a feeling of hope and vigor from their departed youth.

CHAPTER XI

THE BURYING-GROUND

DIRECTLY in the shelter of the church was the burying-ground. It had first been laid out at the corner of the road, on one side of the great building; but slowly and surely it crept around behind the sheds where the horses were hitched during the Sunday services, and then still farther on to the other side. The first part of the yard was almost filled with little mounds and leaning stones, and most of its silent tenants were forgotten by all save a few old people who lingered far beyond the natural term of life. The new yard, as we called it, was in every way more pretentious than the old; the head-stones were higher, the grass was greener, the mounds were more regular, and the trees and shrubs were better kept. The bones of many of the dead aristocracy had been dug up out of the old yard by their proud relatives, and

carefully laid in the new, where they might rest in the same exclusive surroundings in which they lived while still upon the earth.

As a child, these graveyards had no definite meaning to me, but I never went by them after nightfall if I could possibly go any other way, especially if I chanced to be alone. If I could not avoid going this way, I always kept well to the other side of the road, and walked or ran as fast as I could, with scarcely a glance toward the silent yard and the white stones that gleamed so grimly in the dusk. Sometimes a number of us boys would go through the yard in broad daylight, but even then we preferred almost any other spot.

I cannot recall when a sense of the real meaning of a churchyard came full upon me. I have no doubt that I unconsciously felt the gloom of the place before I fully understood what it really meant.

In the summer-time we children were usually taken through the graveyard on our way home from church; but after the long services even this seemed a pleasant spot. On Sunday we were not afraid, for all the worshippers went home this way.

The yards were filled with evergreen trees carefully trimmed and clipped, with here and there a weeping-willow drooping its doleful branches to the ground. Why these trees were chosen for the churchyard, I cannot tell; but I have never since seen an evergreen or a weeping-willow that did not take me back to that little spot. The footpaths wound in and out, and ran off in all directions to reach each separate plat of ground that the thrifty neighbors had set apart as the final resting-place which would be theirs until the resurrection came. Most of them firmly believed in this great day, — or at least they told themselves they did. Around the yard was a neat white fence, always kept in good repair; and the gates were carefully locked except on the Sabbath day. Many times I saw the old sexton wait until the last mourner had slowly left the yard, and then carefully lock the gate and go away. It seemed to me as if he were locking the gate to keep his silent tenants in, like a jailer who turns the bolts upon the prisoners in their cells.

As a little child, I used to look at the sexton half in awe, and I almost feared to

come into his uncanny presence. I never could think that he was quite like other men, or else he could not shovel the dirt so carelessly into the open grave. I had never seen anyone but the old sexton fill the grave and smooth the little mound that was always made from the dirt that was left over after the coffin was put down; and I used to wonder, in my childish way, how the sexton himself would get buried when he was dead.

The church and the graveyard were closely associated in my mind. It seemed to me, as a little child, that the church had full jurisdiction of the yard, and that the care and protection of the graves and their mouldering tenants were the chief reasons why the church was there. The great bell tolled slowly and mournfully at each death, and we counted the solemn strokes to know the age of the hapless one whose turn had come. Sometimes we could even guess who had died, from the number of times it struck; but even these strokes did not impress me much. Almost always the number was very great. I could not see any connection between these old people and myself; and, besides, I felt that if the time could

ever come when I had grown so old, I would have lived far beyond an age when there was any joy in life. On the day of the funeral, too, the bell commenced to toll when the hearse came into view from the church and began its slow journey up the hill, and it did not cease until the last carriage was inside the yard. The importance of the dead could always be told by the length of time the old bell rang while the procession crawled up the hill. We used to compare these processions, and dispute as to who had the longest funeral; but after old Squire Allen's turn had come, there was no longer any doubt. As I grew older, and began to give rein to my ambitions and dreams, I hoped and rather believed that in the far-off years I might have a longer procession than the one that had followed him to the little yard, but of late years I have rather lost interest in this old ambition.

At almost every mound stood a white marble slab, and sometimes there was a grand and pretentious monument in the centre of the lot. When I was very young, I thought that those who had the finest monuments were the ones most loved and mourned. It was long before I

realized that even the barred gates of a graveyard could not keep vanity outside. I often heard the neighbors talk about these stones. Sometimes they said it was strange that Farmer Smith could not show enough respect for his wife to put up a finer gravestone. Again, they said that it would have been better if Farmer Brown had been kinder to his wife while she lived, than to have put up such a grand monument after she was dead.

We boys sometimes went through the yard to pick out the slabs we liked the best; these were always the tallest and the largest ones. We carefully read the inscriptions on these stones, and never for a moment doubted a word they said, any more than we doubted Holy Writ. All the inscriptions told of the virtues of the dead, and generally were helped out by a Scriptural text. In the case of children the stone was usually ornamented with a lamb or a dove, which we thought wonderful and fine. Sometimes an angel in the form of a woman was coming down from the clouds to take a happy child away to heaven. I cannot recall that I saw any angels in the forms of men, though why all the angels were women

I did not know then, nor, for that matter, do I know now.

I think the first time my faith was shaken in anything I saw on a gravestone was one day when I chanced upon a brand-new slab erected to the memory of the town drunkard by his "loving wife and children." The inscription said that the deceased was a kind and loving husband and a most indulgent father. Everyone in Farmington knew that the wife had often called in the constable to protect her from the husband; but still here was the stone. Yet, after all, the inscription may not have been untrue; indeed, it may have been more truthful than those that rested above many a man and woman who had lived and died without reproach.

Even in the churchyard we boys knew which were the favored spots. We understood that the broad thoroughfares where carriages could drive were taken by the richest people of the town, and that the mounds away off at one side and reached only by narrow footpaths were for the poorer and humbler folk. I always hoped I might be buried where the teams could pass; it seemed as if I should be

lonely away on the outskirts where no one ever came along.

Even when quite young, I could not help noticing how many graves were at first planted with flowers and decked and kept with the greatest care, and how soon the rosebushes were broken and the weeds and grass grew rank and high upon the mound. Everyone thought this a shame; and I thought so too. But that is not so clear to me to-day as it was then. I have rather come to think it fortunate that Nature, through time and change, heals the sore wounds and dulls the cruel memories of the past.

When I had grown old enough to go to the Academy on the hill, we boys had a playground just at the edge of the graveyard. Sometimes the strongest hitter would knock the ball clear over to the newest mounds that were slowly encroaching on our domain. When it was my turn to chase the ball, I always got it as quickly as I could, and ran away, for even this momentary intrusion of the dead into our games left an uneasy feeling in my mind.

The last time I was in Farmington I once more went inside the old graveyard; somehow

it had a nearer and more personal meaning to me than it ever had before. In those far-off days the churchyard was only a casual thought that flitted now and then like a shadow through my mind, — never with much personal relation to myself, but more in connection with my father or mother, or with some old neighbor whom I knew and loved; but I find that more and more, as we grow older, the thought of churchyards becomes familiar to our lives and brings a personal meaning of which childhood cannot know.

Farmington itself, when I last saw it, had not much changed except to grow older and more deserted than when I was young. Some of the shops and stores were vacant, and many of the people had gone to more prosperous towns; but the churchyard had grown larger with the passing years. The old part was well-nigh forgotten, but the new yard had stretched out until it quite covered the field where we used to chase the ball, and had then slowly crept off over a ravine farther back, and was climbing on up the hill. I wandered for a while around the winding paths, and read again the inscriptions on the leaning stones; these had

a meaning that I never felt before. When I read the ages of the dead, I found many a stone that told of fewer years than those that I could boast, and in the newer part I spelled out the names of some of those little white-haired boys that once skipped along the winding path with me without the slightest thought that they so soon would be sleeping with the rest.

CHAPTER XII

CHILDHOOD SURROUNDINGS

THE life of the child is not the life of the man, and the town of the child is not the town of the man.

I can never see Farmington except through my boyhood's eyes, and no doubt the town and its people were not at all the same to the men and the women that they were to me. Every object meant one thing to them and quite a different thing to our childish minds. As I grew to boyhood, the mill-pond was only a place where I could fish and skate and swim, and the great turning wheel served only to divert my wondering eyes and ears as it kept up its noisy rounds. The old mill furnished us boys a place to hide and run and play our games. The whole scheme of things was ours, and was utilized by a boy's varying needs to help fill up his life.

To the kind old miller the condition of the water in the pond was doubtless quite another

thing, and every revolution of the groaning wheel must have meant bread to him, — not only bread for the customers whose grain he ground, but sorely needed bread for the hungry mouths of those who had no thought or care whence or how it came, but only unbounded faith that it would always be ready to satisfy their needs.

It is only by imagination, through the hard experience life has brought, that I know these familiar things had a different meaning to the old miller and to me. Yet even now I am not sure that they had for him a deeper or more vital sense. Perhaps the water for my swimming-hole was as important as the water for his bread. For after all both were needed, in their several ways, to make more tolerable the ever illusive game of life.

But I must describe Farmington and its people as they seemed to me, — as in fact they were to me, according to their utility in the small schemes of a little child.

The world seems to take for granted that every parent is a hero to his children, and that they look to the father and mother as to almost superhuman beings whose power they cannot

understand but can rely upon with implicit faith. Even the street-car signs tell this old tale, and advertise "pies like mother used to make." No doubt the infant looks with perfect confidence into the eyes of the mother who gave it birth, and in its tender years the child has the utmost trust in the wisdom and protection of the parent to whom it has always looked to satisfy its needs. But I cannot remember that in my youth either I, or any of my companions, had the feeling and regard for our parents that is commonly assumed. In fact, we believed that, as to wisdom and general ability to cope with the affairs of life, we were superior to them; and we early came to see their shortcomings rather than their strength. I cannot say that I looked upon my mother even as a cook exactly in the light of the street-car advertisements, but I distinctly recall that often when I visited the woodsheds of neighboring children and was kindly given a piece of pie or cake, I went back home and told my mother how much better this pie tasted than the kind she baked, and asked her why she did not make pies and cakes the way the neighbors did; but to all these suggestions I ever got the same

reply, — if I did not like her cooking I could go elsewhere to board. Of course this put a stop to all discussion. I am quite certain that it is only after long years of absence, when we look back upon our childhood homes, the bread and pies are mixed with a tender sentiment that makes us imagine they were better than in fact they really were. I rather fancy that if our mother's cooking were set before us once again, we should need the strong primitive appetite of our youth to make it taste as our imagination tells us that it did.

As to my father, I am sure I never thought he was a man of extraordinary power. In fact, from the time I was a little child I often urged him to do things in a different way, — especially as to his rules about my studies and my schooling. I never believed that he ran the mill in the best way ; and I used to think that other men were stronger or richer, or kinder to their children, than my father was to us. It was only after years had passed, and I looked back through the hazy mist that hung about his ambitions and his life, that I could realize how great he really was. As a child, I had no doubt that any man could create conditions

for himself; the copy-books had told me so, and the teachers had assured us in the most positive way that our success was with ourselves. It took years of care and toil to show me that life is stronger than man, that conditions control individuals. It is with this knowledge that I look back at the old miller, with his fatal love of books; that I see him as he surveys every position the world offers to her favored sons. He knows them all and understands them all, and he knows the conditions on which they have ever been bestowed; yet he could bury these ambitions one by one, and cover them so deep as almost to forget they had once been a portion of his life, and in full sight of the glories of the promised land could day by day live in the dust and hum of his ever-turning mill, and take from the farmer's grist the toll that filled the mouths of his little brood. To appreciate and understand the greatness of the simple life, one must know life; and this the child of whatever age can never understand.

After my father and mother, — whom I did not appreciate, and who, I am bound to think, but half understood me, — no other men or women came very near my life. My relations

were with the boys and girls, — especially the boys. The men and women were there only to board and clothe the children, and furnish them with a place to sleep at night. To be sure, we knew something of all the men and women in the town, but we saw them only through childish eyes. There was the blacksmith, who was very strong, and whom we liked and called "clever" because he sometimes helped us with our games. There was one old farmer in particular, who had a large orchard and a fierce dog, and who would let his apples rot on the ground rather than give us one to eat. We hated him, and called him stingy and a miser. Perhaps he was not that sort of man at all, and the dog may not have been so very fierce. No doubt someone had given them bad names, and the people preferred to believe evil of them instead of good. Then there was the town drunkard, whom all of us knew. We liked him when he was sober, although we were told that he was very bad; but he always laughed and joked with us, and watched our games in a friendly way, but when we heard that he was drunk we were all afraid of him and ran away. Then there

was another man who kept a little store, and we knew he was very rich; we had no idea how much he was really worth, but anyhow we knew that he was rich. And so on, through all the neighborhood, we knew something of the men, and classified them by some one trait or supposed fact, — just as the grown-up world always persists it has a right to do. The women, too, we knew even better than the men, for it was the mothers who controlled the boys, and in almost every case it depended on them alone whether or not the boys might go and play. Still, we children only knew and cared about the grown-up people in a remote secondary way. Every home was full of boys, and by common affinity these boys were always together, — at least, as many of them as could get away from home. As a rule, the goodness and desirability of a parent were in exact proportion to the ease with which the children could get away from home. I am afraid that in this child's-world my good parents stood very low upon the list, — much lower than I wished them to stand.

We children had our regular seasons' round of games and sports. There was no part of

the year in which we could not play, and each season had its special charm. There might not have been much foundation for the custom, but somehow certain games always came at certain times. When the season was over the games were dropped unceremoniously and left for another year.

Of course the little creek and the great mill-pond and the river were sources of never-failing delight. I cannot remember when I learned to swim, but I learned it very young and very well; and it was lucky I did, for I have been in deep water many times since then. The boys seemed to prefer water to land,—that is, water like a pond or a stream. We did not care for the kitchen tub and the wash-basin. It was the constant aim of our parents and teachers to keep us out of the water for at least a portion of the time, and they laid down strict rules as to when and how often we should go swimming. But when boys are away from home they are apt to forget what teachers and parents say; and we always contrived to get more swimming than the rules prescribed. This would have been easier except for the fact that it generally took us so long to dry our hair,

and our teachers and parents could often detect our swimming by simply feeling of our heads. I shall always remember that a boy was never supposed to be a complete swimmer until he could swim the "big bend." There was a bend in the river, which was very broad and deep, and a favorite swimming-place for the larger boys. I well remember the first time I swam across, and I have accomplished few feats that compared with this. All my life I had supposed that the big bend was very broad and deep, until I made a special examination of the place on my last visit, a little time ago, and really it was so changed that I could almost wade across. Still, at that very time there were little boys in the stream just getting ready to perform the same feat that I had accomplished long ago.

The same water that served us in summer-time delighted us equally in the winter months. We learned to skate as early as we learned to swim. Our skates were not the fancy kind that are used to-day, but were made of steel and wood, and were fastened to our boots with straps. Few boys could skate long without the straps coming loose; but then, a few diffi-

culties more or less have little terror for a boy. It would be hard to make a town better fitted for boys than Farmington; even the high hills were made for coasting in the winter-time. In fact, nothing was lacking to us except that our parents and teachers were not so kind and considerate as they should have been.

In the summer-time we often climbed to the top of the hills and looked down the valley to see the river winding off on its everlasting course. Then we would fancy that we were mountaineers and explorers, and would pick our way along the hills with the beautiful valley far beneath. I do not know why we climbed the hills in the summer-time. It could not have been for the scenery, which was really very fine; for boys care little for this sort of thing. The love of Nature comes with maturing years and is one of the few compensations for growing old. More and more as the years go by we love the sun and the green earth, the silent mountains and the ever-moving sea. It seems as if slowly and all unawares our Mother Nature prepares and ripens us to be taken back into her all-embracing breast.

But boys like hills and animals and trees,

not so much because they are a part of Nature as for the life and activity they bring. So we climbed the hills and the trees, and went far down the winding stream for no purpose except to go, and when we reached the point for which we started out we turned around and came back home. Still, since I have grown to man's estate I do the self-same thing. I make my plans to go to a foreign port, and with great trouble and expense travel half-way round the earth, and then, not content with the new places I have found, and longing for the old ones once again, I turn back and journey home.

Since the days when we children followed the crests of the hills along the valley, this lovely scene has fallen under the notice of a business man. He has built a hotel on the top of the highest hill, overlooking the valley and the little town, and in the summer-time its wide verandas are filled day after day with women, young and old, who sit and swing in hammocks, and read Richard Harding Davis and Winston Churchill, and watch for the mail and wait for the dinner-bell to ring.

With what never-ending schemes our youth was filled, and in what quick succession each

followed on the others' heels! Our most cherished plans fell far short of what we hoped and dreamed. Somehow everything in the world conspired to defeat our ends, — and most of all, our own childish nature, which jumped from fad to fancy in such quick succession that we could never do more than just begin. Even when we carried our plans almost to completion, their result was always very far short of the thought our minds conceived.

With what infinite pains and unbounded hopes we prepared to go nutting in the woods! How many bags and sacks we took, and how surely these came back almost empty with the boys who started out with such high hopes as the sun rose up! How often did we prepare the night before to go blackberrying in the choicest spots, but after a long day of bruises and wasp-bites and scratches, come back with almost empty pails! Still, our failures in no way dampened the ardor of any new scheme we formed.

We could run and jump and throw stones with the greatest ease; but when we put any of our efforts to the test, we never ran so fast

or jumped so high or threw a stone so far as we thought and said we could, — and yet our failures had no effect in teaching us moderation in any other scheme. I well remember one ambitious lad who started out to make a cart. He planned and worked faithfully, until the wonderful structure took on the semblance of a cart. Then his interest began to flag, and the work went on more slowly than before. For days and weeks we used to come to his shop and ask, "Will, when are you going to finish your cart?" We asked this so often that finally it became a standing joke, and the cart was given up in ignominy and chagrin.

When the snow was soft and damp, we often planned to make a giant snow-man or an enormous fort. We laid out our work on a grand scale, and started in with great industry and energy to accomplish it. But long before it was finished, the rain came down or the sun shone so hot that our work and schemes melted away before our eyes.

So, too, the grown-up children build and build, and never complete what they begin. When the last day comes, it finds us all busy with unfinished schemes, — that is, all who

ever try to build. But this is doubtless better than not to try at all.

The difference between the child and the man lies chiefly in the unlimited confidence and buoyancy of youth. The past failure is wholly forgotten in the new idea. As we grow older, more and more do we remember how our plans fell short; more and more do we realize that no hope reaches full fruition and no dream is ever quite fulfilled. Age and life make us doubtful about new schemes, until at last we no longer even try.

Well, our youth brought its mistakes and its failures, its errors of judgment and its dreams so hopeless to achieve. But still it carried with it ambition and life, a boundless hope, and an energy which only time and years could quench. So, after all, perhaps childhood is the reality, and in maturity we simply doze and dream.

CHAPTER XIII

ILLUSIONS

AS I look back upon my childhood, it seems as if the world were an illusion and as if everything were magic that passed before my eyes. True, we children learned our lessons in our arithmetics and geographies and readers, but we only learned by rote and said them from our lips; they had no application to our lives, — they were only tasks which we must get through before our foolish parents and unkind teachers would leave us free to live. We seem to have breathed an enchanted air, and to see nothing as it really was. And still, can I be sure of this? Are the heartbeats of the young less natural and spontaneous than those of later life? Are the vision and hearing and emotions of youth less trustworthy than the dulled faculties and feelings of maturer years? Certain it is we children lived in a world that was all our own, — a

world into which grown-up people could not come, from which in fact they had long since passed out never to return.

But we had our illusions and our dreams. Time and distance and proportion did not exist for us. Time is ever illusive to young and old alike; it is no sooner come than it is gone. The past is regretted, the present disappointing; the future alone is trusted, and thought to be worth our pains. Childhood is the happiest time of life, because the past is so wholly forgotten, the present so fleeting, and the future so endlessly long. But how little I really knew of time, of youth and of age, when I was young! We children thought that old age lay just beyond the time when childish sports would not amuse. We could see nothing in life beyond thirty that would make it worth living, excepting for a very few who were the conquerors of the world. True, we dreamed of our future great achievements, but these were still far off, and to be reached in strange fantastic ways. The present and the near future were only for our childish joys. We looked at older people half in pity, half in fear. I distinctly remember that when a child at the

district school I thought the boys and girls at the Academy were getting old.

As to my parents, they always seemed old; and when I was not vexed about things they would not let me do, I felt sad to think their days of sport were past and gone. I well remember the terrible day when they laid my mother in her grave, and the one consolation I felt was that she had lived a long life and that her natural time had come. Even now, as I look back on the vague remembrances of my mother, I have no thought of any time when she was not old. Yet last year I went to see the little headstone that marks her modest grave. I read her name, and the commonplace lines that said she had been a good wife and a loving mother; and this I have no doubt was true, even though I found it on a churchyard stone. Poor soul! she never had a chance to be anything else or more. But when I looked to see her age, I felt a shock as of one waking from a dream; for there, chiselled in the marble stone and already growing green with moss, I read that she had died at forty-eight. And here I stood looking at my old mother's grave, and my last birthday was my

forty-sixth. Was my mother then so young when she lay down to sleep? — and all my life I had thought that she was old! I felt and knew, as I sadly looked upon the stone, that my career was all before me still, and that I had only been wandering and blundering in a zigzag path through childhood and youth, to begin the career I was about to run. True, as I drew close to the marble slab to read the smaller letters that told of the virtues of the dead, I put on a pair of gold-rimmed glasses to spell the chiselled words. And these glasses were my second pair! Only a few days before, I had visited an oculist and told him that my old ones somehow did not focus as they should, but warned him not to give me a new pair that magnified the letters any more than the ones I had. After several trials he found a pair through which I could see much clearer than before, and he assured me on his honor that they were no stronger than the ones I was about to lay aside, — only they were ground in a different way. And although I had lived on the earth for six and forty years, I believed he told the truth. I remembered, too, that only a few days before an impudent college

football hero gave me a seat in the street-car while he stood up. But then college boys were always thoughtless and ill-mannered, and boastful of their strength. I recovered from the shock that came upon me as I realized that my mother had died while she was really young; and then my mind recalled a day that had been buried in oblivion for many, many years, — a day when I rested upon the same spot where I was sitting now, and when the tremendous thought of eternal sleep dawned upon my mind. No doubt it was my mother's stone that so long ago awakened me to conscious life. I remember that on that far-off day I was fifteen years of age, and that I consoled myself by thinking that at any rate I should live until I was sixty, which was so far away that I could not even dream that it would ever come. And now I was here again, and forty-six. Well, my health was good, my ancestors were long-lived, — all except my mother, who came to an untimely grave, — and I should live to be ninety at the very least. And then — there might be another world. No one can prove that there is not.

But I am lingering too long around the old

graveyard of my childhood home, and if I do not go out into the living, moving world, no one will ever read my book. And still I fancy that I am like all the other men and women who were ever born; we eat and drink, and laugh and dance, and go our way along the path of life, and join the universal conspiracy to keep silent on the momentous final event that year by year draws closer to our lives.

Distance was as vague and illusive and as hard to realize as time. A trip to the next town, four miles away, awoke in my mind all the feeling of change and travel and adventure that a voyage across the sea can bring to-day. I recall one great event that stands out clearly in my childhood days. For months and months I had been promised a long trip with my older sister to visit my Aunt Jane. She lived miles and miles away, and we must take a railroad train to reach her home. For weeks I revelled in the expectation of that long-promised trip. I wondered if the train would really stop at our station long enough for me to get on board; if there would be danger of falling out if I should raise the window of the car; and what would happen if we should be carried past the

town, or the train should run off the track. I am always sure of a fresh emotion when I think of the moment that we were safely seated in the car and the train began to move away. How I watched and wondered as the houses and telegraph poles flew past in our mad flight! And how I stored my mind with facts and fancies to tell the wondering boys when I returned! if indeed I ever should. I remember particularly how I pleaded with the train conductor to let me keep the pasteboard ticket that had been handed to me through the hole in the little window at the station when I took the train. I felt that this would be a souvenir of priceless worth, but the conductor regretfully told me that he must deny my wish. It seems even now as if I journeyed across a continent, there were so many things to see that were wholly new and strange. And yet my Aunt Jane lived only twenty miles away, and the trip must have been made in one short hour or less. Many times since then I have boarded a train to cross half the continent. I have even stood on the platform of the Oriental Express in Paris, and waited for the signal to start on the long journey across

Europe to Constantinople; but I have never felt such emotions as stirred my soul when the train actually moved away to take me to see Aunt Jane.

Men and their works are indeed inconsistent. The primitive savage who dwelt at home went to a foreign land when he moved his tent or paddled his log canoe across the stream; but civilized man, with his machines, inventions, and contrivances, has brought the world into such close connection that we must journey almost around the earth to find something new and strange.

Not time and space alone, but also men and women, were illusive to our young minds. My Sunday-school teacher, a fat asthmatic woman, who always held her lesson-paper between her stiff thumb and finger covered with a black glove, seemed a wonderful personage to me. How was it possible she could know so much about Palestine and Jerusalem and Judæa and the Dead Sea? Surely she had never visited these mythical realms, for there was no way to go. As easily might she have gone to the moon, or to some of the fixed stars; and still

she talked of these things with the familiarity with which she would have spoken of a neighboring town. I never had any idea that she was like a common woman, until one day when I went to her house and found her with her sleeves rolled up and a great apron reaching clear around her dress, and she was washing clothes. After that, the spell was broken. How could anyone wash clothes if she really knew about Paul and John the Baptist and the river Jordan?

All the grown-up men seemed strange and unreal to my mind, and to have nothing in common with the boys. No matter what we did, we thought that if any man should come around he had a right promptly to make us stop. Most of the men never seemed to notice us, unless to forbid our doing certain things, or to ask us to turn a grindstone while they sharpened an axe or a scythe; and there were only a very few who even knew our names. Once in a long while some man would call me "that Smith boy," but even then he seemed a little doubtful who I really was. If now and then a grown-up man took a friendly

interest in our sports, or called us by our first names, we liked him, and would have voted for him for President of the United States if we could have had the chance.

I well remember Deacon Cole. I used always to see him in one of the front pews at church. Every Sunday morning he drove by our home, and he was usually the very first to pass. He wore a ruffled shirt, a long black coat, and a collar that almost hid his chin. His face was long and sad, and he never looked to the right or left during the services at the church. I had no doubt he was a very holy man. He always took up the collection just before the benediction had been said, and his boots would creak as he tiptoed from pew to pew. I did not know just what a deacon was, or how anyone ever happened to be a deacon. I remember I once asked my father; and although he could tell me all about Cæsar and Plato and Herodotus, he could never make it clear how Mr. Cole ever became "Deacon Cole." But one day when I was down at the mill, a farmer drove up to the door with a load of corn. He wore overalls, an old patched coat, and a big straw hat.

I looked at him closely before I could believe that he was Deacon Cole, and then slowly another illusion was dissolved. I found that a deacon was a man just like my father and other men that I had known.

CHAPTER XIV

ABOUT GIRLS

IN Farmington the girls were of small account. Of course we had to tolerate them, for all of us had sisters, and then, too, we were told that we ought to treat them more kindly than the boys: but still we never really wanted them around.

The girls were much prettier than the boys, and they had on clean clothes, and generally shoes, and they wore red or blue ribbons around their necks and white or colored sashes around their waists, and their hair was combed and fixed in long twists and tied with ribbon every day; and it was almost always as smooth and nice at night as when they came to school in the morning. As for us boys, our mothers combed our hair in the morning before we went to school, and occasionally with a fine-tooth comb; and when we left home it was usually parted on the side, and had no snarls, and lay down smoothly on the top

of our heads, — but of course it was different before we got home. Sometimes even on our way to school we would turn somersaults, or walk on our hands, or "skin a cat" on the limb of a tree, and then our caps would fall off and our hair get pretty badly mussed. Then, too, we often ran and got warm, and had to take off our caps and fan ourselves, and run our hands through our hair; and sometimes we wrestled and fell down, and things like that; and when we were not playing ball we often went in swimming at noon, and of course we could not keep our hair straight, and did not much care or try. But the girls were different; they never would do anything that hurt their hair, and if it got mussed the least little bit they always stopped and combed it out so that it looked almost as well as when they went to school. Generally they had little pocket looking-glasses; but even if they had not, any of the girls would help the others to comb and tie their hair. But no boy would ever think of asking another boy to help him to fix his hair; if he had done anything like this, he would have known pretty well what he might expect to get.

About Girls

We used to wonder how the girls could keep their clothes so smooth and nice; for many of them had a long way to walk to school, and the road was dusty, and the dirt got on them from the long grass and weeds. We thought the reason they looked so well was that they were different from the boys. All of us liked to watch the girls, for they were so pretty and behaved so well. Their side of the school-house was always the cleaner, and they never threw things on the floor, and their desks looked better, for the books and the slates were not tumbled around as they were on our side of the room. And there was no writing on their desks, nor carvings made with jack-knives; and in every way one could tell which was their side of the house, even if no scholars were in the room.

The girls always behaved better in school than the boys; of course they whispered some, and giggled quite a bit, but they hardly ever threw apples, or brought in bugs, or set pins in the seat, or played jokes, or contradicted the teacher, or refused to do what she said. As a rule, they got their lessons better than the boys, and had more head-marks in spell-

ing; and the teacher hardly ever made them stand on the floor, and did not keep them in at noon or recess or after school nearly as often as she did the boys. Then, if one girl told another that she could have a piece of her apple at lunch, or a bite of her stick candy, and took a pencil and marked off how much she could have, she would always bite in the right place, and never take any more,—if anything, she took a little less. But if a boy held up his apple and told another boy that he could take a little bite, not so far down as the core, very likely the boy would have to pull his hand back quick to keep his fingers from being bitten off. Really, no boy who was not green would let another boy take a bite of his apple, or his candy, or his gum. If he really wanted to give any of it away or trade it for something, he always took out his knife and cut off just the part he wanted to give away, or else he bit it out himself without taking any chances.

In the games we played, the girls were of no use; they could not run, or jump, or climb a tree, or even throw a ball or a stone, or do anything that had to be done to play a game. Sometimes they stood around and watched us

boys, and coaxed us to choose them in, and sometimes we let them play just as we did the little fellows. But if they ever played "fox and geese" or "pump-pullaway," they were sure to get caught the first thing, and they hurt the game. And when they had to catch you, of course you could n't run right through and knock them down just as if they were boys. Sometimes they coaxed us to let them play ball; but they never could hit the ball, and if they did it only went a little ways, and they could n't run to the first base, and you never knew where they were going to throw, and they were always in the way when you were running, and you were afraid to hit the ball as hard as you could, or to throw it very hard, when they were around. They were not much good to play "I spy," for they never could hide very well. If they got behind a tree, their dresses would stick out, and they could n't climb up on any high place, or jump down, or lie down behind a log so that you could n't see them; and even if they had a chance to get in first, they ran so slow that they were always behind when they reached the post.

Of course they could jump rope pretty well, but boys seldom played such games as jumping the rope; it was n't really any game at all. And then the girls always wanted you to help to turn the rope, and maybe there would be only a girl at the other end. They did not quarrel with the teachers, and sometimes they told on us boys when we did something the teachers said we must n't do. When any of the boys got whipped hard in school, the girls cried and made a fuss; they never could stand anything like boys. Always at noon when we wanted to play ball or go in swimming, they would coax us to play "needle's eye," or "Sally Waters," or some such silly game. And in the winter, when we were sliding down hill, they never had a sled of their own, but would always want to ride with us; and we always had to be careful, and go only in the safest places, or they would fall off and get hurt and cry.

When we went skating, they wanted us to draw them on a sled on the ice, and they never dared go anywhere unless the ice was thick. If it bent the least little bit, they ran away and cried for fear their brothers would get drowned.

When they had skates, they never would go out on the river where the water was over their heads; and they were afraid of holes in the ice, or of our building a fire on the ice, and we always had to put on and take off their skates. We never could pull the straps tight, because it hurt their feet and made them cold; and then their skates would get loose all the time, and we had to fix them; and they could n't go far away on the ice, for they were afraid they would n't get back before the school-bell or the supper-bell rang. Then, if they went out skating, or anywhere, after dark, they could not stay late, and we had to stop and go home with them when they got the least bit cold. They never thought they could go home alone after dark, but they could have gone as well as not if they had only thought so. Sometimes they went sleigh-riding with the boys in a big sled; but this was n't half so much fun as hitching to cutters or jumping on sleds, and the girls never could do this.

When we went to see any of the other boys, we never went into the house. There was nothing to do in the house except to take off your hat and sit in a chair and tell the boy's

mother how your mother was. We always played around the yard, or went into the barn or out in the woodshed, where we could have some fun. But the girls could n't go out and play in the yard or in the barn or in the woodshed, and if they did they could n't play anything that was good fun, but they would tease us to come into the house and look at the album while they told us who all the old pictures were, and would want us to stay in the sitting-room, or go into the parlor and hear them play a lot of tunes on the organ, and sing "Shall we gather at the river," and "Home, Sweet Home," and duets, and "Darling, I am growing old," and such things, and that would spoil all the fun. And after they got through playing the organ and singing, if it was not time to go home they wanted us to play "Authors." This was the only kind of cards that girls could play.

They never were any good to go fishing, but they always wanted to go, and we had to bait their hooks, and take off the fishes if they caught any, but they hardly ever did; and they talked about how sorry they were for the fishes and the worms, but they let us do all the

work. And if sometimes they went hickory-nutting or chestnutting with us, we let them help to pick up the nuts while we had to climb the trees and shake them off; but they could n't carry any of them home, and when we came to fences they never would climb over them for fear they would tear their dresses, and we always had to go away around until we could find bars or a gate or take down the fence; and they were afraid of cows and dogs, and tried to keep us from going anywhere, and bothered us and held us back. And then when we took them we had to be careful what we said, and could not run or walk very fast or go very far, and we always had to get back at a certain time, and could n't stay out after dark, or go across any water, or get into swamps or places where they could get their feet wet and catch cold.

Of course they got up parties, and wanted us to go; but these were always in the houses, and we had to wear our best clothes and our shoes, and be careful not to run against a chair, or tip over the lamp, or break anything, and we had to keep still, and could n't go outdoors, and had to play "needle's-eye" and "post-

office" and charades and "blindman's-buff." Of course we had a little cake and sometimes some ice-cream, but never half enough, and we were always glad when the party was out.

In fact, in our boys' world there was no room for girls, except that we always liked to look at them and think how pretty and clean they were.

CHAPTER XV

FISHING

I WAS very small when I began to fish, — so small and young that I cannot remember when it was. In fact, my first fishing comes to me now, not as a distant recollection, but only as a vague impression of a far-off world where a little boy once lived and roamed. I am quite sure that I first dropped my line into the little muddy pool just behind our garden fence. I am sure, too, that this line was twisted by my mother's hands from spools of thread, and the hook was nothing but a bended pin. I faintly recall my protests that a real fish-line and hook bought at the store would catch more fish than this home-made tackle that my kind mother twisted out of thread to save the trifling expense; but all my protests went for naught. I was told that the ones she made were just as good as the others, and that I must take them or go without. All that remains to me of those first

fishing-days is the faint impression of a little child sitting on an old log back of the cheese-house, his bare feet just touching the top of the little pool, holding a fish-pole in his hands, and looking in breathless suspense at the point where the line was lost in the muddy stream.

More distinctly do I remember a later time, when I had grown old enough to go down the road to the little bridge, and to have a real fish-line and a sharp barbed hook which my brother brought me from the store. I go out on the end of the planks and throw my line close up to the stone abutments in the dark shadow where the water lies deep and still. The stream is the same fitful winding creek that comes down through the meadow behind the garden-fence; but here it seems to stop and linger for a while under the protecting shadows of the little wooden bridge. I have no doubt that the spot is very deep, — quite over my head, — and with throbbing heart I sit and wait for some kind fish to take my baited hook. I learned later that I could wade clear under the bridge by pulling my trousers up above my knees; but this was after I had

sat and fished. True, my older brothers had always told me that there was nothing but minnows in the muddy pool; but how did they know? Their eyes could see no farther into the unknown stream than mine.

I do not remember catching a single fish either behind the cheese-house or under the bridge; but I do remember the little bare-legged boy, with torn straw hat, waiting patiently as he held his pole above the pool, and wondering at the perversity of the fish. If I could only have seen to the bottom of the stream, no doubt I should have known there were no fishes there for me to catch; but as I could not see, I was sure that if I sat quite still and kept my line well up to the abutment of the bridge, the fishes would surely come swimming up eager to get caught.

Many a time I was certain that the fishes were just going to bite my hook; but at the most critical moment some stupid farmer would drive his noisy clattering wagon at full speed upon the sounding bridge, and as like as not shout to me, and of course drive all the fishes off. Or, even worse, the driver would halt his team just before he reached the

little bridge, get down from the high wagon seat, unrein his horses, and drive them down the sloping bank to the edge of the bridge to get a drink. The stupid horses would push their long noses clear up under the bridge, close to the stone abutment where I had cast my line, clear down almost to the bottom of the pool, and drink and drink until they were fairly bursting with water, and finally they would stamp their feet, and splash through to the other side, pulling along the great wagon-wheels after them. Of course it was a waste of time to sit and fish after a catastrophe like this. But although I caught no fish, still day after day I would go back to the end of the planks and throw my baited hook into the pool, and sit and blink in the broiling sun and wait for the fish to bite.

But when I grew older I gave my fishing-tackle to my younger brothers and let them sit on the old log and the end of the bridge where I had watched so long, and, turning my back in scorn upon the little stream, sought deeper waters farther on.

I followed my older brother up to the dam, and sat down in the shade of the overhanging

willow-trees, and cast my line over the bank into the deep water, which was surely filled with fish. Perhaps in those days it was not the fish alone, but the idea of fishing. It was the great pond, which seemed so wide and deep, and which spread out like glass before my eyes. It was the big willow-trees that stood in a row just by the water's edge, with their drooping branches hanging almost to the ground, and casting their cool delicious shade over the short grass where we sat and fished; and then the blue sky above, — the sky which we did not know or understand, or really think about, but somehow felt, with that sense of freedom that always comes with the open sky. Surely, to sit and fish, or to lie under the green trees and look up through their branches at the white clouds chasing each other across the clear blue heavens, — this was real, and a part of the life of the universe, and also the life of the little child.

How many castles we built from the changing forms of those ever-hurrying clouds, moving on and ever on until they were lost in the great unknown blue! How many dreams we dreamed, how many visions we saw, — visions

of our manhood, our great strength, and the wonderful achievements that would some day resound throughout the world! And those castles and dreams and visions of our youth, — where are they now? What has blasted the glowing promises that were born of our young blood, the free air, and the endless blue heavens above? Well, what matters it whether or not the castles were ever really built? At least the dreams were a part of childhood's life, as later dreams are a part of maturer years. And, after all, if the dreams had not been dreamed then life had not been lived.

But here in the great pond we sometimes caught real fish. True, we waited long and patiently, with our lines hanging listlessly in the stream. True, the fishes were never so large or so many as we hoped to catch, but such as they were we dragged them relentlessly from the pond and strung them on a willow stick with the greatest glee.

I remember distinctly the time when some accident befell the dam, and the water was drawn off to make repairs. The great surface of stone and mud for the first time was uncovered to our sight, and I remember the flopping

and struggling fishes that found themselves with no water in which to swim. I remember how we pounced upon these fishes, and caught them with our hands, and almost filled a wash-tub with the poor helpless things. I cannot recall that I thought anything about the fishes, except that it was a fine chance to catch them and take them home; although the emptying of the mill-pond must have been the greatest and most serious catastrophe to them, — not less than comes to a community of men and women from the sinking of a city in the sea. But we had then only seen the world from the point of view of children and not of fishes.

But it was not until I was large enough to go off to the great river that wound down the valley that I really began to fish. I had then grown old enough to get first-class lines and hooks and a bamboo pole. I went with the other boys down below the town, down where our little stream joined its puny waters with the great river that scarcely seemed to care whether it joined or not, and down to the long covered bridge, where the dust lay cool and thick on the wooden floor. Here I used

to sit on the masonry just below the foot-path, and throw my line into the deep water, and wait for the fish to come along.

Where is the boy or the man who has not fished, and who does not in some way keep up his fishing to the very last? Yet it is not easy to understand the real joys of fishing. Its fascination must grow from the fact that the line is dropped into the deep waters where the eye cannot follow and only imagination can guess what may be pulled out; it is in the everlasting hope of the human mind about the things it cannot know. In some form I am sure I have been fishing all my life, and will have no other sort of sport. Ever and ever have I been casting my line into the great unknown sea, and generally drawing it up with the hook as bare as when I threw it down; and still this in no way keeps me from dropping it in again and again, for surely sometime something will come along and bite! We are all fishers, — fishers of fish, and fishers of each other; and I know that for my part I have never managed to get others to nibble at my hook one-half so often as I have swallowed theirs.

Fishing

Our youthful fishing did not all consist in dropping our hooks and lines into the stream. In fishing, as everywhere in life, the expectation was always one of the chief delights. How often did we begin our excursions on the night before! We planned to get up early, that we might be ready to furnish the fishes with their breakfast, — to come upon them after their night's sleep, when they were hungry and would bite eagerly at our baited hooks. How expectantly we took the spade and went to the garden and dug up the choicest and fattest worms, — enough to catch all the fishes in the sea! Then at night we dreamed of fish. We went to bed at twilight, that we might be ready in the gray morning hours. We started out early with lines and poles and bait. We stopped awhile at the big covered bridge and sat on the hard stone abutments, we put the wiggling worms upon the hooks and threw our lines far out into the stream. I cannot recollect that we thought of any pain to the fish, or still less to the worm, — though I do not believe that I could string a twisting worm over the length of one of those cold steel hooks to-day, no matter what reward might come. My father

did not encourage me in fishing, although I do not remember that he said much about how cruel it really was. But he told me never to take a fish that I could not eat, and to throw the small ones back into the stream at once. Yet though all the fishes that came up were smaller than I had hoped or believed, still I was always reluctant to throw them back.

The first fishing-spot seldom fulfilled our expectations, and most of us waited awhile and then went farther down the stream. Slowly and carefully we followed the winding banks, and we always felt sure that each new effort would be more successful than the last. But our expectations were never quite fulfilled. Now and then we would meet men and boys with a fine string of fish. These were generally of the class my father called shiftless and worthless; but as for us, we had little luck. Gradually, as the sun got higher in the heavens, we went farther and farther down the stream, always hopeful for success in the next deep hole. Finally, tired and hungry, we threw away our bait, and, with our small string of sickly-looking fish, turned toward home. Sometimes on our return we came upon a more

patient boy who had sat quietly all day at the hole we left and been abundantly rewarded for his pains. Generally, weary and worn out, we would drop our fish on the woodshed floor and go into the kitchen to get our supper. Not until the next day would we again think of our string of fish, and then we usually found that the cat had eaten them in the night.

When we reflected on our fishing, it was a little hard to tell where the fun came in; but on the whole this is true of most childish sports, and, for that matter, it holds good with all those of later years. But this has no tendency to make us stop the sport, or rather the hope of sport, for to give up hope is to give up life.

The last time I drove across the old covered bridge I stopped for a moment by the stone pier where I used to sit and fish. I looked over at the muddy stream, and the hard gray abutment where I had watched so patiently through many hot and dusty days; and there in the same place where I once sat and expectantly held my pole above the stream was another urchin not unlike the one I knew, or thought I knew, so long ago. I lingered a few moments, and

shuddered as I saw the cruel boy push the barbed hook through the whole length of the squirming worm. I watched him throw the bait silently into the yellow stream, and, behold! in a short time he pulled out a little wiggling fish. I went up to him as he took the murderous hook from the writhing fish, and tried to make him think that it was so small that he ought to throw it back. But in spite of all I could say, the little brute stuck a willow twig through its bleeding gills and strung it on a stick, as I had done when I was a little savage catching fish.

CHAPTER XVI

RULES OF CONDUCT

I WAS very young when I first began to wonder why the world was so unreasonable; and now I am growing old, and it is not a whit more sensible than it used to be. Still, as a child I was in full accord with the other boys and girls about the stupidity of the world. Of course most of this perversity on the part of older people came from their constant interference with our desires and plans. None of them seemed to remember that they once were young and had looked out at the great wide world through the wondering eyes of the little child.

It seemed to us as if our elders were in a universal conspiracy against us children; and we in turn combined to defeat their plans. I wonder where my little playmates have strayed on the great round world, and if they have grown as unreasonable as our

fathers and mothers used to be! Reasonable or unreasonable, it is certain that our parents never knew what was best for us to do. At least, I thought so then; and although the wisdom, or at least the experience, of many years has been added to my childish stock, I am bound to say that I think so still. Even a boy might sometimes be trusted to know what he ought to do; and the instinct and teachings of Nature, as they speak directly to the child, should have some weight.

But with our parents and teachers all this counted not the least. The very fact that we wanted to do things seemed ample reason why we should not. I venture to say that at least nine-tenths of our requests were denied; and when consent was granted, it was given in the most grudging way. The one great word that always stood straight across our path was "No," and I am sure that the first instinct of our elders on hearing of our desires was to refuse. I wondered then, and I wonder still, what would happen if our elders and the world at large should take the other tack and persuade themselves to say "Yes" as often as they could!

Every child was told exactly what he ought

to do. If I could only get a printed list of the rules given for my conduct day by day, I am sure they would fill this book. In arithmetic and grammar I always skipped the rules, and no scholar was ever yet found who liked to learn a rule or could tell anything about it after it was learned.

I well remember what a fearful task it was to learn the rule for partial payments in the old arithmetic. I could figure interest long before I learned the rule; and although I now have no trouble in figuring interest, — and if I have, some creditor does it for me, — still, to save my life, I could not now repeat the rule for partial payments. When was there ever a boy who knew how to do a sum, or parse a sentence, or pronounce a word, because he knew the rules? We knew how because we knew how, and that was all there was of the matter. Yet every detail of conduct was taught in the same way as the rules in school.

I could not eat a single meal without the use of rules, and most of these were violated when I had the chance. I distinctly remember that we generally had pie for supper in our youthful days. Now we have dessert for din-

ner, but then it was only pie for supper. Of course we never had all the pie we wanted, and we used to nibble it slowly around the edges and carefully eat toward the middle of the piece to make it last as long as possible and still keep the pie-taste in our mouths.

I never could see why we should not have all the pie we could eat. It was not because of its cost, for my mother made it herself, just the same as bread. The only reason we could see was that we liked pie so well. Of course we were told that pie was not good for us; but I have always been told this about everything I liked to eat or do. Then, too, my mother insisted that I should eat the pie after the rest of the meal was done. Now, as a boy, I liked pie better than anything else that I could get to eat; and I have not yet grown so old but that I still like pie. I could see no reason why I should not eat my pie when I was hungry for it and when it looked so good. My mother said I must first eat potato and meat, and bread and butter; and when I had enough of these, I could eat the pie. Now, of course, after eating all these things even pie did not seem quite the same;

my real appetite was gone before the pie was reached. Then, too, if a boy ate everything else first, he might never get to pie; he might be taken ill, or drop dead, or be sent from the table, or one of the other boys might come along and he be forced to choose between going swimming and eating pie, — whereas, if he began the meal according to his taste and made sure of the pie, if anything else should be missed it would not matter much.

Our whole lives were fashioned on the rules for eating pie. We were told that youth was the time for work and study, so that we might rest when we got old. Now, no boy ever cared to rest, — it is the very thing a boy does not want to do; but still, by all the rules we ever heard, this was the right way. Since I was a child I have never changed my mind. I do not think the pie should be put off to the end of the meal. I always think of my poor Aunt Mary, who saved her pie all through her life, and died without eating it at last. And, besides all this, it is quite possible that as we grow old our appetites will change, and we may not care for pie at all; at least, the coarser fare that the hard and cruel world is soon

to serve up generously to us all is likely to make us lose our taste for pie. For my part, I am sure that when my last hours come I shall be glad that I ate all the pie I could get, and that if any part of the meal is left untasted it shall be the bread and butter and potatoes, and not the pie.

Of course we were told we should say "Yes, ma'am," and "No, ma'am." I observe that this rule has been changed since I was young, — or possibly it was the rule only in Farmington and such provincial towns. At any rate, when I hear it now I look the second time to see if one of my old schoolmates has come back to me. But I cannot see why it was necessary for us to say "Yes, ma'am," and "No, ma'am," in Farmington, and so necessary not to say them in the outside world.

But while the rule made us say "Yes, ma'am," and "No, ma'am," it did not allow us to say much more. We were told that "Children should be seen and not heard." It was assumed that what we had to say was of no account. As I was not very handsome when I was young, there was no occasion for me to be either seen or heard. True, we were indus-

triously taught how to talk, yet we had no sooner learned than we were told that we "must not speak unless spoken to." It is true the conversation of children may not be so very edifying, — but, for that matter, neither is that of grown-up folk. It is quite possible that if children were allowed to talk freely, they might have a part of their nonsense talked out by the time they had matured; and then, too, they might learn much that would improve the conversation of their later life. At any rate, if a child was not meant to talk, his faculties of speech might properly be withheld until a riper age.

To take off our hats in the house, to say "Thank you" and "Please" and all such little things, were of course most strictly enjoined. It did not occur to our elders that children were born imitators, or that they could possibly be taught in any other way than by fixed rules.

The common moral precepts were always taught by rule. We must obey our parents, and speak the truth. Just why we should do either was not made clear, although the penalty of neglect was ever there. The longer I

live, the more I am convinced that children need not be taught to tell the truth. The fact is, parents do not teach them to tell the truth, but to lie. They tell the truth as naturally as they breathe, and it is only the stupidity and brutality of parents and teachers that drive them to tell lies. In high society and low, parents lie to children much oftener than children lie to parents; it would not occur to a child to lie unless someone made him feel the need of doing so.

I remember that when I was a child two things used to cause me the greatest trouble. One was the fact that I had to go to bed so early at night, and the other that I had to get up so early in the morning. I have never known a natural child who was ready to go to bed at night or to get up in the morning. I suppose this was because work came first, and pie was put off to the end of the day; and we did not want to miss any of the pie. Of course there were exceptions to the rule. We were ready to get up in the gray dawn of the morning, to go a-fishing or blackberrying, or to celebrate the Fourth of July, or on Christmas, or to see a circus come to town, or on any such

occasion. And likewise we were ready to go to bed early the night before, so that we might be ready to get up. I remember one of my lies in connection with getting up in the morning. It was my father's custom to call us some time before breakfast, to help do the chores; and as this was work and the bed was warm, we were never ready to get up. On this particular morning I was called twice, but seemed to be sound asleep, and did not move. Thereupon at the next call my father came up the stairs, saying, "You know what you are going to get," and asking why I had not come before. There was nothing else to do, and so I promptly answered that I did not hear him the first two times. Somehow I learned that he surmised or found out that I had lied, and after this I regarded him as a sort of Sherlock Holmes. I did not know then, any more than my father did, that the reason I lied was that I was afraid of being whipped. Neither did my parents, or any of the others, understand that to whip us for lying only served to make us take more pains to conceal the truth.

We were given certain rules as to our treatment of animals. We were told to be kind to

them, but no effort was made to awaken the imagination of the child so that in a way he might put himself in the place of the helpless beings with whom he lived. I am sure that had this been done the rule would not have been required.

In our association with each other, we were more simple and direct. When we lied to each other, we soon found that our tales were disbelieved, and thus the punishment was made to fit the crime. But among ourselves we were generally truthful, no matter how long or persistently our teachers and parents had made it seem best for us to lie. We knew that the other boys cared very little for the things that parents and teachers thought important; and, besides, we had no jurisdiction over each other, except as the strongest and most quarrelsome might take for himself, and against him we always had the right to combine for self-defence.

I seem to be living again in the world of the little child, and so hard is it to recross to that forgotten bourne that I cannot help wishing to linger there. I remember that as I grew beyond the time to play base-ball and to join in other still more youthful games, I now and then had

the rare privilege of revisiting these early scenes in sleep; and often and often in my waking moments, when I realized that I dreamed and yet half thought that all was real, I tried to keep my eyes tight shut that I might still dream on. And if I can now and then forget my years and feel again the life of the little child, why should I not cling to the fond remembrance and tell the story which he is all too young to make us understand?

It is rarely indeed that the child is able to prevent the sorrows of the man or woman; and when he can prevent them, and really knows he can, no man or woman ever looks in vain to him for sympathy or help. But the happiness of the child is almost wholly in the keeping of men and women of maturer years, and this charge is of the most sacred kind. If schools for the education of children were closed, and those for the instruction of parents were kept open, surely the world and the children would profit by the change. No doubt men and women owe duties to themselves that even their children have no right to take away; but these duties are seldom inconsistent with the highest welfare of the child.

As I look back at the father and mother who nourished me, I know that they were both wise and kind beyond others of my time and place; and yet I know that many of my deepest sorrows would have been spared had they been able to look across the span of years that divided them from me, and in thought and feeling become as little children once again.

The joys of childhood are keen, and the sorrows of childhood are deep. Years alone bring the knowledge that in thought and in feeling, as in the heavens above, sunshine and clouds follow each other in quick succession. In childhood the shadows are wholly forgotten in the brilliant radiance of the sun, and the clouds are so deep as to obscure for a time all the heavens above.

Over childhood, as over all the world, hangs the black pall of punishment, — which is only another name for vengeance and hate. In my day, and I fancy too often even now, parents believed that to "spare the rod" was to "spoil the child." It was not the refinement of cruelty that made parents promise the child a whipping the next day or the next week, it was only their ignorance and thoughtlessness; but many times

I went to bed to toss and dream of the promised punishment, and in the morning, however bright the sunshine, the world was wrapped in gloom. Of course it was seldom that the whipping was as severe as the fear that haunted the mind of the child; but the punishment was really there from the time it was promised until after it was given.

Few boys were mean enough to threaten to tell our parents or teacher of our misdeeds, yet there were children who for days or even weeks would hold this threat over their playmates and drag it forth on the slightest provocation. But among children this species of cruelty was generally condemned. We knew of no circumstances that could justify the threat to tell, much less the telling. A "tattle-tale" was the most contemptible of boys, — even more contemptible than a "cry-baby." A "cry-baby" did not rank much below a girl. Still, we would suffer a great deal without flinching, to avoid this name.

In my time boys were not always so democratic as children are supposed to be. Somehow children do pick up a great deal from their elders, especially things they ought not to learn.

I know that in our school there was always the same aristocracy as in our town. The children of the first families of the village were the first in the school. In games and sports these would usually get the foremost places, and each one soon knew where he belonged in the boys' social scale. Certain boys were carefully avoided, — sometimes for sanitary reasons, more often, I fancy, for no reason at all. I am sure that all this discrimination caused the child sorrow and suffering that he could in no way defend himself against. So far from our teachers doing anything to show the cruelty and absurdity of this caste spirit, it was generally believed that they were kinder and more considerate and what we called "partial" to the children of influential parents than to the rest. And we were perfectly sure that this consideration had an important bearing on our marks.

As a general rule, we children did not care much to read; and, for that matter, I am inclined to think that few healthy children do. A child would rather do things, or see them done, than read about how someone else has done them. So far as we did read, we always

chose the things we were told we should not read. No doubt this came from the general belief that the imagination of children should be developed; and with the ordinary teacher and parent this meant telling about fairies, giants, and goblins, and sometimes even ghosts. These stories were always told as if they were really true; and it was commonly believed that cultivating the imagination of a child meant teaching him to see giants instead of men, and fairies and goblins instead of beasts and birds. We children soon came to doubt the whole brood of fairies, and we never believed in ghosts except at night when there was no candle in the room, and when we came near the graveyard. After these visions were swept away, our minds turned to strong men, to kings and Indians and warriors, and we read of them.

My parents often despaired about the rules that I would not learn or keep, and the books I would not read. They did not seem to know that all the rules ever made could cover only the very smallest fraction of the conduct of a child or man, and that the one way to teach conduct was by an appeal direct to the

heart, an effort to place the child in harmony with the life in which he lived. To teach children their duty by rule, or develop their imaginations by stories of fairies and angels and goblins, always was and always will be a hopeless task. But imagination is more easily developed in the little child than in later years, because the blood flows faster and the feelings are deeper and warmer in our youth. The imagination of the child is aroused when it really feels itself a part of all the living things with which its life is cast; feels that it is of kin to the parents and teachers, the men and women, the boys and girls, the beasts and birds, with whom it lives and breathes and moves. If this thought and this feeling take possession of the heart of the child, he will need no rules or lessons for his conduct. It will become a portion of his life; and his associations with his fellows, both human and animal, will be marked by consideration, gentleness, and love.

CHAPTER XVII

HOLIDAYS

I REMEMBER that we boys used to argue as to which was better, summer or winter. Each season had its special charms, and each was welcome after the other one had run its course. One reason why we were never sure which was best was that Christmas came in winter and Fourth of July in summer. There were other lesser holidays that counted little with the boy. There was Thanksgiving; but ours was a village of New England people, and Thanksgiving was largely a religious day. The church-bells always rang on Thanksgiving, although usually we were not compelled to go to meeting. Then, too, Thanksgiving was the day for family reunions. Our aunts and uncles and grandfathers and grandmothers came to take dinner with us, or we went to visit them; and we had to comb our hair and dress up, and be told how we had grown, and how much we looked like our father or our

mother or our aunt, or some other member of the family; and altogether the day was about as stupid as Sunday, and we were glad when it was over.

Then there was New Year's day; but this was of little use. No one paid much attention to New Year's, and generally the people worked that day the same as any other. Sometimes a belated Christmas present was left over to New Year's day, and we always had a lingering expectation that we might get something then, although our hopes were not strong enough to warrant hanging up our stockings again. Washington's Birthday was of no account whatever, and in those days Lincoln's birthday and Labor-day had not yet been made holidays. We managed to get a little fun out of April Fool's day, but this was not a real holiday, for school kept that day.

But Christmas and Fourth of July were really made for boys. No one thought of working on these days, and even my father did not make us study then. Christmas was eagerly looked forward to while it was still a long way off, and a good many of the boys and girls believed in Santa Claus. All the

children had heard the story, but my parents always told us it was not true, and we knew that Santa Claus was really our father and mother, or sometimes our uncles and aunts and grandparents, and people like that. Of course we hung up our stockings; all boys and girls did that. We went to bed early at night and got up early in the morning, and after comparing our presents at home we started out through the neighborhood to see what the other boys and girls had got. Then there was the Christmas-tree in the evening at the church. This was one occasion when there was no need to make us go to church; and we all got a little paper horn of candy, or a candy cane, or some such treasure, plucked fresh from the green tree among the little lighted wax candles stuck on every branch. All day long on Christmas we could slide down hill or skate, and sometimes we even had a new pair of skates or a sled for a present. Altogether Christmas was a happy day to us children.

Of course there were some boys and girls who got very little at Christmas, and some who got nothing at all, and these must have grieved a great deal; and I wondered not a little why

it was that things were so uneven and unfair. I know now that it was cruel that this knowledge could not have been kept from the little child until he had grown better able to know and understand. I also realize that even to my parents, who were not the very poorest, with so many children Christmas must have meant a serious burden both for what they gave and what they could not give, and that my mother must have denied herself many things that she should have had, and my father must have been compelled to forego many books that would have brought him comfort and consolation for his buried hopes.

As I have grown older, and have seen Christmas-giving develop into a duty and a burden, and often a burden hard to bear, I have come to believe less and less in this sort of indiscriminate matter-of-course gift-making. If one really wishes to make a present, it should be offered freely from the heart as well as from the hand, and given without regard to Christmas day. With care and thoughtfulness on the part of parents, almost any day could be a holiday to little children, and they would soon forget that "Christmas comes but once a year."

But, after all, I think the boys of my time liked the Fourth of July better than Christmas day. This was no doubt largely due to the fact that children love noise. They want "something doing," and the Fourth of July somehow satisfies this desire more than any other day. Then we boys ourselves had a great deal to do with the Fourth of July. In fact, there could not have been a real Fourth without our effort and assistance. As on Christmas eve, we went to bed early without protest on the night before the Fourth,—so early that we could not go to sleep, and would lie awake for hours wondering if it were not almost time for the Fourth to begin. We always started the celebration before daylight. The night before, we had put our dimes and pennies together and bought all the powder we could get the stores to sell us; and then the blacksmith's boy had a key to the shop,—and, anyhow, his father was very "clever" to us boys. By the help of this boy we unlocked the door, took out the anvils, and loaded them on a wagon. We got a little charcoal stove from the boy whose father had a tin-shop, and with it a long rod of iron; and then we started

out, before day had dawned, to usher in the Fourth. We drew the anvils up and down the road, stopping particularly before the houses where we knew that we would not be welcome. Then we unloaded one anvil, turned it upside down, filled the little square hole in the bottom level full of powder, put a damp paper over this, and a little trail of powder to the edge, and put the other anvil on top; then the bravest boy took the rod of iron, one end of which had been heated in the charcoal stove, and while the rest of us put our fingers in our ears and ran away, he boldly touched off the trail of powder, — and a mighty roar reverberated down the valley and up the sides of the hills to their very crests.

After saluting the citizens whom we especially wished to favor or annoy, we went to the public square and fired the anvils until day began to break, and then we turned home and crawled into our beds to catch a little sleep before our services should be needed later on.

It was generally eight or nine o'clock before we got our hurried breakfast and met again at the public square. We visited the shops and stores, and went up to the little knots of men

and women to hear what they had to say about the cannonading, and intimated very broadly that we could tell who did it if we only would. Then we lighted our bits of punk and began the fusillade of fire-crackers that was next in order on our programme. At this time the cannon fire-cracker, with all its terrors, had not come; and though here and there some boy had a small cannon or a pistol, the noise was confined almost entirely to fire-crackers. Most of us had to be very saving of them; they were expensive in those days, and our funds were low especially after the heavy firing in the early hours. We always felt that it was not fair that we should be obliged to get up before daylight in the morning and do the shooting, and buy the powder too, and once or twice we carried around a subscription paper to the business-men to raise funds for the powder; but this met with poor success. Farmington never was a very public-spirited place.

There were always plenty of boys who could shoot a fire-cracker and hold it in their hands until it went off, and now and then one who could hold it in his teeth with his eyes shut tight. But this last exploit was considered

dangerous, and generally was done only on condition that we gave a certain number of fire-crackers to the boy who took the risk. While we were all together, to hear someone else shoot fire-crackers was a very different thing from shooting them yourself. Although you did nothing but touch the string to a piece of lighted punk and throw the fire-cracker in the air, it sounded better when you threw it yourself than when some other boy threw it in your place.

Often on the Fourth of July we had a picnic in the afternoon, and sometimes a ball-game too. This, of course, was in case it did not rain; rain always stopped everything, and it seemed as if it always did rain on the Fourth. Some people said this was because so much powder was exploded; but it could not be so, because it generally rained on picnic days whether it was the Fourth or not. And then on Saturday afternoons, at the time of our best base-ball matches, it often rained; and this even after we had gone to the neighboring town, or their boys had come to visit us. In fact, rain was one of the crosses of our young lives. There was never any way of knowing whether

it would come or not; but there it was, always hanging above our heads like the famous sword of Damascus — or some such man — that our teachers told us was suspended by a hair. Of course, when we complained and were rebellious about the rain our parents told us that if it did not rain we should have no wheat or corn, and everything would dry up, and all of us would starve; but these were only excuses, — for why could it not rain on Sunday, when there was nothing to do and no one to be harmed? Besides, there were six other days in the week besides Saturday, and only one holiday in the whole long summer; and how could there be any use of making it rain on those days?

Another thing that caused us a good deal of annoyance was that Fourth of July and Christmas sometimes came on Sunday. Of course, either a Saturday or a Monday was usually chosen in its place; but this was not very satisfactory, as some of the people would celebrate on Saturday, and some on Monday, — and, besides, we could not have a "truly Fourth" on any day except the Fourth.

When we had a "celebration," it was generally in the afternoon, and was held in a

grove beside the river below the town. Everyone went to the celebration, not only in Farmington but in all the country round. On that day the brass-band came out in its great four-horse wagon, and the members were dressed in uniform covered with gold braid. Some of them played on horns almost as long and as big as themselves; and I thought that if I could only be a member of the band and have one of those big horns, I should feel very proud and happy. There was always someone there to sell lemonade, which looked very nice to us boys, although we hardly ever had a chance to get any after the powder and the fire-crackers had been bought. There were swings, and things like that; but they were not much fun, for there were so many boys to use them, and, besides, the girls had to have the swings most of the time, and all we could do was to swing them.

Then we had dinner out of a basket. We always thought that this would be a great deal of fun; but it never was. The main thing that everyone carried to the dinner was cold chicken, and I hated chicken; and even if I managed to get something else, it had been

smeared and covered over with chicken gravy, and was n't fit to eat, — and then, too, the butter was melted and ran over everything, and was more like grease than butter. Besides, there were bugs and flies and mosquitoes getting into everything, to say nothing of the worms and caterpillars that dropped down off the trees or crawled up on the tablecloth. I never could see any fun in a basket picnic, even on the Fourth of July.

After we were through with our dinners, Squire Allen came on the platform with the speaker of the day. The first thing Squire Allen did was to put on his gold spectacles; then he took a drink of water from a pitcher that stood on a stand on the platform; then he came to the front of the platform and said: "Friends and fellow-citizens: The exercises will begin by reading the Declaration of Independence." Then he began to read, and it seemed as if he never would finish. Of course I knew nothing about the Declaration of Independence, and neither did the other boys. We thought it was something Squire Allen wrote, because he always read it, and we did not think anyone else could read the Declaration

of Independence. We all came up quite close and kept still when he began to read, but we never stood still until he got through. And we never had the least idea what it was about. All I remember is the beginning, "When in the Course of Human Events"; and from what I have learned since I think this is all that anyone knows about the Declaration of Independence, — or, for that matter, all that anyone cares.

When Squire Allen finally got through the reading, he introduced the speaker of the day. This was always some lawyer who came from Warner, the county-seat, twenty miles away. I had seen the lawyer's horse and buggy at the hotel in the morning, and I thought how nice they were, and how much money a lawyer must make, and what a great man he was, and how I should like to be a lawyer; and I wondered what one had to study to be a lawyer, and how long it took, and how much brains, and a lot of things of this sort. The lawyer never seemed to be a bit afraid to stand up there on the platform before the audience, and I remember that he wore nice clothes, — a good deal nicer than those of the farmers and

other people who came to hear him talk, — and his boots looked shiny, as if they had just been greased. He talked very loud, and seemed to be mad about something, especially when he spoke of the war and the "Bridish," and he waved his hands and arms a great deal, and made quite a fuss about it all. I know that he said quite a lot about the Declaration of Independence, and a lot about fighting, and how glorious it was; and told us all about Europe and Asia and Africa, and how poor and downtrodden and ignorant all those people were, and how free we were, all on account of the Declaration of Independence, and the flag, and the G. A. R., and because our people were such good fighters. He told us that whatever happened, we must stand by the Declaration of Independence and the flag, and be ready to fight and to die if we ever had a chance to fight and die. And the old farmers clapped their hands and nodded their heads, and said he was a mighty smart man, and a great man, and thoroughly patriotic, and as long as we had such men the country was safe; and we boys went away feeling as if we wanted to fight, and wondering why the people in

other countries ever let the rulers run over them the way they did, and feeling sorry they were so poor and weak and cowardly, and hoping we could get into a war with the "Bridish" and help to free her poor ignorant serfs, and wondering if we were old enough to be taken if we did have a war, and wishing if we did that the lawyer could be the General, or the President, or anything else, for he certainly was a great man and could talk louder than anyone we had ever heard. I usually noticed that the lawyer was running for some office in the fall, and everyone said that he was just the man that we ought to have, — he was such a great patriot.

After the speech was over we went home to supper; and after dark, to the square to see the fireworks. This was a fitting close to a great day. We always noted every stage of preparation. We knew just how they put up the platform, and how they fixed the trough for the sky-rockets. We knew who touched them off, who held the Roman candles, and who started the pin-wheels, and just what they all cost. We sat in wonder and delight while the pin-wheels and Roman candles were going

through their performance; but when the sky-rockets were touched off, we watched them until they exploded in the air, and then raced off in the darkness to find the sticks.

After the fireworks we slowly went home. Although it had been a long day since we began shooting the anvils in the gray morning, it was hard to see the Fourth actually over. Take it all together, we agreed that the Fourth of July was the best day of all the year.

CHAPTER XVIII

BASE-BALL

MY greatest regret at growing old was the fact that I must give up playing ball. Even while I could still play, I began to think how soon it would be when I could no longer take an active part, but must simply stand and watch the game. Somehow base-ball has always seemed to me the only thing in life that came up to my hopes and expectations. And thus it is by Nature's fatal equation that the sensation that gave me the greatest pleasure has caused me the most regret. So, after all, in the final balance base-ball only averages with the rest. I know that, as a youth, I thought that nothing felt so good as a toothache — after it had stopped. Perhaps the world is so arranged that joys and sorrows balance one another, and the one who has the happiest life feels so much regret in giving it up that he comes out with the same net result

as the one who feels pleasure in escaping a world of sorrow and despair.

But I meant to tell about my base-ball days. These began so long ago that I do not know the time, but I am sure they commenced as the game began, for base-ball was evolved from our boyish game of "two-old-cat and three-old-cat," which we played while very young. Since I batted my last ball I have often sat on the bleachers of our great towns to see the game. But base-ball now is not the base-ball of my young days. Of course I would not admit that there are better players now than then, but the game has been brought to such a scientific state that one might as well stand and watch the thumping of some great machine as a modern game of ball. There used to be room for individual merit, for skill, for blunders and mistakes, for chance and luck, and all that goes to make up a game.

The hired players of to-day are no more players than mercenary troops are patriots. They are bought and sold on the open market, and have no pride of home and no town reputation to maintain. Neither I nor any of my companions could any more have played a

game of base-ball with Hartford against Farmington than we could have joined a foreign army and fought against the United States. And we would have scorned to hire mercenaries from any other town. We were not only playing ball, but we were fighting for the glory and honor of Farmington. Neither had the game sunk to any such ignoble state that we were paid for our services. We played ball; we did not work at the trade of amusing people, — we had something else to do. There was school in the spring and autumn months; there were the grist-mill, the blacksmith-shop, and the farms in the summer-time, and only Saturday afternoons were reserved for ball, excepting such practice as we might get in the long summer twilight hours. We literally left our callings on the day we played ball, — left them as Cincinnatus left his plough in the furrow and rode off to war in obedience to his country's call.

At school we scarcely took time to eat our pie or cake and cheese, but crammed them into our mouths, snatched the bat, and hurried to the ball-grounds, swallowing our luncheon in great gulps as we went along. At recess we played until the last tones of the little bell had died

away, and the teacher with exhausted patience had shut the door and gone back to her desk; then we dropped the clubs and hurried in. When school was out, we went home for our suppers and to do our few small chores, and then rushed off to the public square to get all the practice that we could.

Well do I remember one summer Saturday afternoon long years ago, — how long, I cannot say, but I could find the date if I dared to look it up. The almanacs, when we got the new ones at the store about Christmas, had told us that there would be an almost total eclipse of the sun that year. The people far and near looked for the eventful day. As I recall, some wise astronomers hired a special ship and sailed down to the equator to make observations which they could not make at home. We children smoked little bits of glass over a lighted candle, that we might look through the blackened glass straight at the dazzling sun.

When the day came round, there it was a Saturday afternoon! Of course we met as usual on the public square; we chose sides and began the game. We saw the moon slowly and surely throwing its black shadow

across the sun ; but we barely paused to glance up at the wonders that the heavens were revealing to our view. We did not stop the game until it grew so dark that we could hardly see the ball, and then sadly and reluctantly we gathered at the home-base, feeling that the very heavens had conspired to cheat us of our game. Impatiently we waited until the moon began to drift so far past the sun that his friendly rays could reveal the ball again ; and then we quickly took our places, and the game went on. It could not have been too dark to play for more than twenty or thirty minutes at the most, yet this marvel sank into insignificance in comparison with the time we lost from our game of ball.

Our usual meeting-place was on the public square. This was not an ideal spot, but it was the best we had. The home-base was so near the hotel that the windows were in constant danger, and the dry-goods store was not far beyond the second base. Squire Allen's house and a grove of trees were only a little way back of the third base, and many a precious moment was lost in hunting for the ball in the grass and weeds in his big

yard. The flag-pole and the guide-post, too, stood in the most inconvenient spots that could be found. We managed to move the guide-post, but the mere suggestion of changing the flag-pole was thought to be little less than treason; for Farmington was a very patriotic town.

We played base-ball for many years before we dreamed of such extravagance as special suits to play it in. We came to the field exactly as we left our work, excepting that some of us would manage to get a strap-belt to take the place of suspenders. We usually played in our bare feet, for we could run faster in this way; and when in the greatest hurry to make first-base, we generally snatched off our caps and threw them on the ground.

We had a captain of the team, but his rule was very mild, and each boy had about as much to say as any of the rest. This was especially true when the game was on. Not only did each player have a chance to direct and advise, in loud shouts and boisterous words, but the spectators joined in all sorts of counsel, encouragement, and admonition. When the ball was struck particularly hard, a shout went

up from the gathered multitude as if a fort had fallen after a hard-fought siege. Then every person on the field would shout directions, — how many bases should be run, and where the fielder ought to throw the ball, — until the chief actors were so confused by the babel of voices that they entirely lost their heads.

Finally we grew so proud of our progress in base-ball that after great efforts we managed to get special suits. These were really wonders in their way. True, they were nothing but a shirt and a pair of trousers that came down just below the knee. But all the boys were dressed alike, and the suits were made of blue with a red stripe running down the side of the legs to help the artistic effect. After this, we played ball better than before; and the fame of our club crept up and down the stream and over beyond the hills on either side. Then we began issuing challenges to other towns and accepting theirs. This was still more exciting. By dint of scraping together our little earnings, we would contrive to hire a two-horse wagon and go out to meet the enemy in foreign lands. In turn, the outside

clubs would come to visit us. The local feeling spread from the boys to their families and neighbors, and finally the girls got interested in the game and came to see us play. This added greatly to our zeal and pride. Often, in some contest of more than common interest, the girls got up a supper for the club; and when the game was done we ranged ourselves on the square and gave three cheers for the other club, and then three cheers for the girls. This they doubtless thought was pay enough.

A game of ball in those exciting times was not played in an hour or two after the day's work was done. It began promptly at one o'clock and lasted until dark; sometimes the night closed in before it was finished. The contest was not between the pitcher and the catcher alone; we all played, and each player was as important as the rest. Our games never ended with four or five sickly tallies on a side. A club that could get no more runs than this had no right to play. Each club got forty or fifty tallies, and sometimes more; and the batting was one of the features of the game. Of course, we boys were not so cool

and deliberate and mechanical as players are to-day. We had a vital interest in the game; and this, more than any other activity, was our very life. The base-ball teams of these degenerate days are simply playing for pay; and they play ball with the same precision that a carpenter would nail shingles on a roof. Ball-playing with us was quite another thing. The result of our games depended as much upon our mistakes, and those of the other side, as upon any good playing that we did. In a moment of intense excitement the batter would knock the ball straight into the short-stop's hands; it was an easy matter to throw it to first-base and head off the runner, and every boy on the field and every man in the crowd would shout to the short-stop just what to do. He had time to spare; but for the moment the game was his, and all eyes were turned on him. As a rule, he eagerly snatched the ball and threw it clear over the first-baseman's head, so far away that the batter was safely landed on third-base before the ball was again inside the ring. The fielder, too, at the critical time, when all eyes were turned toward him, would get fairly under the flying ball, and then let it

roll through his hands while the batter got his base. At any exciting part of the game the fielding nine could be depended upon to make errors enough to let the others win the game.

Then, as now, the umpire's place was the hardest one to fill. It was the rule that the umpire should be chosen by the visiting club; and this carried him into a violently hostile camp. Of course, he, like everyone else, could be relied on in critical times to decide in favor of his friends; but such decisions called down on him the wrath of the crowd, who sometimes almost drove him off the field.

It was a famous club that used to gather on the square. Whether in batting, catching, or running bases, we always had a boy who was the best in all the country round, and the base-ball club added not a little to the prestige that we all thought belonged to Farmington.

One game I shall remember to the last moment of my life. The fight had been long and hard, with our oldest and most hated rivals. The day was almost done, and the shadows already warned us that night was close at hand. We had come to the bat for the last half of the last inning, and were within one of the

score of the other side, with two players out, and two on bases. Of course no more exciting situation could exist; for this was the most critical portion of the most important event of our young lives. It came my turn to take the bat. After one or two feeble failures to hit the ball, I swung my club just at the right time and place and with tremendous force. The ball went flying over the roof of the store, and rolled down to the river-bank on the other side. I had gone quite around the ring before anyone could get near the ball. I can never forget the wild ovation in which I ran around the ring, and the mad enthusiasm when the home-plate was reached and the game was won. Whenever I read of Cæsar's return to Rome, I somehow think of this great hit and my home-run which won the game.

All the evening, knots of men and boys gathered in the various public places to discuss that unprecedented stroke. Next day at church almost every eye was turned toward me as I walked conspicuously and a little tardily up the aisle, and for days and weeks my achievement was the chief topic of the town. Finally the impression wore away, as all things do in this

busy world where everybody wants the stage at once, and then I found myself obliged to call attention to my great feat. Whenever any remarkable play was mentioned or great achievement referred to, I would say, "Yes, but do you remember the time I knocked the ball over the store and made that home-run?" Many years have passed since then, and here I am again relating this exploit and writing it down to be printed in a book.

Since that late summer afternoon when I ran so fast around the ring amidst the plaudits of my town, I have had my rightful share of triumphs and successes, — especially my rightful share in view of the little Latin I knew when I started out in life. But among them all fame and time and fortune have never conspired to make my heart so swell with pride through any other triumph of my life as when I knocked the ball over the dry-goods store and won the game.

CHAPTER XIX

AUNT MARY

LIKE everything else in my early life, my Aunt Mary is a memory that is shrouded in mist. I have no idea when I first heard of her or first saw her, but both events were while I was very young. Neither can I now separate my earlier impressions of Aunt Mary from those that must have been formed when I had grown into my boyhood. It was some time after she was fixed in my mind before I knew that there was an Uncle Ezra, and that he was Aunt Mary's husband. They had never had any children, and had always lived alone. Whenever either one was spoken of, or any event or affair connected with their lives was referred to, it was always Aunt Mary instead of Uncle Ezra.

When I first remember them, they were old, or at least they seemed old to me. They had a little farm not far from our home; and I

sometimes used to go down the dusty road to their house for eggs, butter, and buttermilk. Aunt Mary was famed throughout the region for the fine butter she made; and, either from taste or imagination, I was so fond of it that I would eat no other kind.

Aunt Mary lived in a two-story white house with a wing on one side. In front was a picket fence, whitewashed so often that it fairly shone. Two large elm-trees stood just outside the fence, and a little gate opened for the footpath from the road, and next to this were bars that could be taken down to let teams drive in and out. In the front yard were a number of evergreen trees trimmed in such a way as to leave a large green ball on top. A door and several windows were in the front of the house, and another door and more windows on the side next the wing, which was mainly used for a woodshed and summer kitchen. A little path ran from the gate to the side door, and this was covered with large flat stones, which were kept so clean that they were almost spotless. There was no path running to the front door, although two stone steps led down to the ground. The house was always white, as if freshly painted the

day before. Each of the windows had outside shutters (which we called blinds), and these were painted blue. I well remember these shutters, for all the others that I had ever seen were painted green, and I wondered why everyone did not know that blue was much the most beautiful color for blinds. The front door was never opened, and the front shutters were always tightly closed. Whenever any of us went to the house, we knew that we must go to the side door. If perchance a stranger knocked at the front door, Aunt Mary would come around the corner of the house and ask him to come to the kitchen.

Through all the country Aunt Mary was known for her "neatness." This had grown to a disease, the ruling passion of her life. It was never easy to get any of the other boys to go with me to Aunt Mary's when I went for butter. None of them liked her, and they all knew that she did not care for them. I remember that when I first used to go there she would meet me at the side door and ask me to stay out in the yard or go into the woodshed while she got the butter or eggs. Then she would bring me a lump of sugar or a fried cake

(which she called a nut-cake) made from dough boiled in lard, and which was very fine, especially when fresh and hot, and tell me not to get any crumbs on the stone steps or on the woodshed floor. Sometimes Uncle Ezra would come in from the barn or fields while I was there, and he always seemed to be kind and friendly, and would take me out to the pigpen while he poured the pails of swill into the trough. I used to think it great sport to see the grunting hogs rushing and shoving and tumbling over each other, and standing in the trough to get all the swill they could. None of them ever seemed to have enough, or to care whether the others had their share of swill or not. I shall always feel that I learned a great deal about human nature by helping Uncle Ezra feed his hogs.

Uncle Ezra was a man who said but little. I never found him in the house; he was always out on the farm, or in the barn, or sometimes in the woodshed. This seemed the nearest that he ever came to the house. Uncle Ezra was a short man with a bald head and a round face. He had white whiskers and a little fringe of white hair around his head. He had

no teeth, at least none that I can remember to have seen. He was slightly stooping, and was lame from rheumatism ; and he wore a round black hat, and a brown coat buttoned tightly around his waist, and trousers made of some sort of brown drilling, and almost always rubber boots. In the woodshed he kept another pair of trousers and clean boots, which he put on when he went into the house to get his meals, or after it was too late to stay outside. I never heard him joke or laugh, or say anything angry or unkind. He always spoke of Aunt Mary as "the old woman," and showed no feeling or emotion of any sort in connection with her. Whenever he was asked about any kind of business, he directed inquirers to "the old woman."

Aunt Mary was tall and thin and very straight. Her hair was white, and done up in a knot on the back of her head. It seems as if she wore a sort of striped calico dress, and an apron over this. No doubt she sometimes wore other clothes; but she has made her impression on my memory in this way. Poor thing! like all the rest of the mortals who ever lived and died, she doubtless tried to make the best impression she could, and at some fateful

time this image was cast upon my mind, and there it stayed forever, and gets printed in a book, — the only one that ever held her name. The real person may have been very different indeed, and the fault have been not at all with her, but with the poor substance on which the shadow fell.

I can remember Aunt Mary only in one particular way; and when her name is called, and she steps out from the dim, almost forgotten past, I see the tall, spare old woman, with two or three long teeth and a wisp of snow-white hair, and a dress with stripes running up and down, making her seem even taller and thinner than she really was. I see her, through the side door which opened from the room which was kitchen, dining-room, and living-room combined. I am a barefooted child standing on the stone steps outside, and looking in through the open door. I am nibbling slowly and prudently at a delicious nut-cake, and wondering if there are any more where that one came from, and if she will bring me another when this is eaten up, and thinking that if I really knew she would I need not make this one last so long. Almost opposite the door

stands the cooking-stove. I can see it now, with its two short legs in front, and its two tall ones in the back. There is the sliding hearth, used to regulate the draught. Back of this, and above the hearth, is the little square iron box where wood is put in; over this are the holes for pots and kettles; and farther back, and above all, is the tall oven almost on a level with Aunt Mary's shoulders. On the oven is a pan of dish-water, and she is wringing out a rag and for the thousandth time wiping the spotless oven. When this is done, she goes downstairs to the cellar, and gets the butter in the little tin pail, then goes to the cupboard and finds another nut-cake and brings them to the door. Then she looks carefully down to the stone steps to see if I have left any crumbs, and puts the pail and the nut-cake into my waiting hands. Before I go, she asks me about my father and mother, my brothers and sisters; whether the washing has been done this week; whether my sister is going to take music-lessons this fall; whether there is water enough in the dam to run the mill; and then she bids me hurry home lest the butter should melt on the way.

Aunt Mary did not live in the kitchen because there was no other room. After a time I learned that there were a parlor and a spare bedroom on the lower floor, and that the front door opened into a hall that led to the parlor and then on to the kitchen at the back. As I grew older and gained her confidence, she told me that if I would go out in the tall grass by the pump and wipe my feet carefully she would let me come into the house. As I came up to the door, she looked at me suspiciously, to see that there was no dirt on my feet or clothes, and set me down in a straight wooden chair; then she kept on with her dish-rag, and plied me with questions as to the health of the various members of the family, and how they were progressing with their work. She never left the high oven, with its everlasting dish-pan, except to wipe imaginary dirt from some piece of furniture, and then go back to wring the cloth from the water once again. Although she almost always gave me a nut-cake or a piece of pie, she never invited me to dinner, and always asked me to go outside to eat.

By slow degrees she told me about her parlor and spare bedroom. And one day,

after watching me wipe my feet with special care, she took me into the hall, cautiously opened the parlor door, and let me into the forbidden room. As we went into the hall and the parlor, she took pains that no flies should follow through the doors; and then, when these were closed and we were safely inside the cool dark room, she slowly and cautiously pushed back the curtains, raised the window just enough to put through her long thin hand and turn the little blue slats of the window-blinds to let in some timid rays of light. Then she pointed out the various pieces of furniture in the parlor, with all the pride of possession and detail of description of a lackey who shows wandering Americans the belongings of an old English castle or country seat. On the floor was a real Brussels carpet, with great red and black flower figures. A set of cane-seated chairs — six in all — were placed by twos against the different sides of the walls; while a large rocking-chair was near the spare bedroom, and in the corner a walnut whatnot on which were arranged shells and stones. Near the centre was a real marble-top table, with a great Bible and a red plush album in the middle.

A square box sheet-iron stove, with black glistening pipe, stood on one side of the room on a round zinc base. On the walls were many pictures hung with big red cord on large glass-headed nails. There was a crayon portrait of her father, a once famous preacher, and also one of her mother; two or three yarn mottoes in black walnut frames hung above the doors, and some chromos, which she said had come with tea, completed the adornment of the walls. The elegance of all I saw made the deepest impression on my childish mind. Not a fly was in sight, and everything was without blemish or spot. I could not refrain from expressing my admiration and surprise, and my regret that everyone in town could not see this beautiful parlor. Then Aunt Mary confided to me that sometime she was going to have a party and invite all her friends. Then she began looking doubtfully at the streaks of sunlight in the room, and casting her eyes around the ceiling and the walls to see if perchance a stray fly might have come through the door; and then she went to the window and pushed back the long stiff lace curtains, and closed the blinds, leaving us once more in

the dark. Of course I never could forget that parlor, though Aunt Mary did not take me there again.

Sometime afterwards, when I went for butter, I missed her at the high oven where she always stood with the dish-cloth in her hand. When I knocked, Uncle Ezra let me in. The big rocker had been drawn out into the kitchen, near the stove; and Aunt Mary, looking very white, sat in the chair propped up with pillows. I asked her if she was sick, and she answered no, but that she had been "feeling poorly" for some time past.

Of course I must have heard all about her illness at the time, but this has faded from my mind. I remember only that Uncle Ezra came to the house one day, looking very sad, and when he spoke he simply said, "The old woman is dead."

We children were all taken to the funeral. I shall always remember this event, for when we went through the little gate there stood the front door wide open, and we went in through the hall. Aunt Mary was lying peacefully in her coffin in the front parlor. All the chairs in the house had been brought in. Uncle Ezra

sat with downcast head near the spare bedroom door, a few neighbors and relatives were seated in chairs around the room, and overhead, on the white ceiling, the flies were buzzing and swarming as if in glee. The old preacher was there, and I remember that in his sermon he referred to Aunt Mary's "neatness"; and here I know that Uncle Ezra groaned.

The day was rainy, and the neighbors had tracked mud on the nice Brussels carpet. I looked around the room that Aunt Mary had shown me with such pride and care. The muddy shoes of the neighbors who had gathered about the coffin were making great spots on the floor; the ceiling was growing blacker each minute with the gathering flies. A great bluebottle, larger than the rest, was buzzing on the glass above Aunt Mary's head, trying to get inside the lid. The windows were wide open, the curtains drawn aside, and the blinds thrown back. Slowly I looked at the muddy floor, the swarming flies, and the people gathered in Aunt Mary's parlor; and then I thought of the party that she had told me she was going to give.

CHAPTER XX

FERMAN HENRY

IT was when I began to go to the district school that I first heard of Ferman Henry and his house. Just after we had waded through the little stream that ran across the road, we came in full sight of the place. The house stood about half-way up the hill that rose gently from the little creek, and in front of it was a large oak-tree that spread its branches out over the porch and almost to the road. There were alder-bushes and burdocks along the fence, — or, rather, where the fence was meant to be; for when I first knew the place almost half of it was gone, and the remaining half was never in repair. On one side of the house was a well, and in this was a wooden pump. We used often to stop here to get a drink, — for there never yet was a boy that could pass by water without stopping for a drink. I remember that the pump always had to be primed, the

valves were so old and worn; and when we poured water in at the top to start it, we had to work the handle very hard and fast, until we got quite red in the face, before the water came, and then we had to keep the handle going, for if we stopped a single moment the water would run down again and leave the pump quite dry. I never knew the time when the pump was in repair, and I do not know why it was that we boys spent our breath in priming it and getting water from the well. Perhaps it was because we had always heard that the water was so very cold; and perhaps, too, because we liked to stop a moment at the house, — for Ferman Henry and his family were the "cleverest" people we knew. City people may not know that in Farmington we used the word "clever" to mean kind or obliging, — as when we spoke of a boy who would give us a part of his apple, or a neighbor who would lend us his tools or do an errand for us when he went to town.

I had always been told that Ferman Henry was a very shiftless man. The neighbors knew that he would leave his buggy or his harness out of doors under the apple-trees all summer long,

exposed to sun and rain; and that he did not like to work. Our people thought that everyone should not only work, but also like to work simply for the pleasure it brought. I recall that our copy-books and readers said something of this sort when I went to school; and I know that the people of Farmington believed, or thought they believed, that this was true.

Ferman Henry was a carpenter, and a good one, everybody said, although it was not easy to get him to undertake a job of work; and if he began to build something, he would never finish it, but leave it for someone else when it was partly done. He was a large, fat man, and when I first knew him he wore a colored shirt, and trousers made of blue drilling with wide suspenders passing over his great shoulders; sometimes one of these was broken, and he often fastened the end to his trousers with a nail that slipped through a hole in the suspender and in the cloth, where a button was torn off. He often wore cowhide boots, with his trousers legs sometimes inside and sometimes outside; but generally he was barefoot when we went past the house. I do not re-

member seeing him in winter-time, perhaps because then he was not out of doors under the big oak-tree. At any rate, my memory pictures him only as I have described him.

When I first heard of Ferman Henry, I was told about his house. This was begun before the war, and he was building it himself. He began it so that he might be busy when he had no other work to do; and then too his family was always getting larger, and he needed a new home. He had worked occasionally upon the house for six or seven years, and then he went out as a soldier with the three-months' men. This absence hindered him seriously with his work; but before he went away he managed to inclose enough of the house so that he was able to move his family in, intending to finish the building as soon as he got back.

The house was not a large affair, — an upright part with three rooms above and three below, and a one-story kitchen in the shape of an L running from the side. But it was really to be a good house, for Ferman Henry was a good carpenter and was building it for a home.

After he got back from the war he would

take little jobs of work from the neighbors now and then, but still tinkered at his house. When any work of special importance or profit came along, he refused it, saying he must first "finish up" his house.

I can just remember the building as it appeared when I commenced going to the district school. The clapboards had begun to brown with age and wind and rain. The front room was done, excepting as to paint. The back room below and the rooms upstairs were still unfinished, and the L was little more than a skeleton waiting for its bones to be covered up. The front doors and windows had been put in, but the side and back windows were boarded up, and no shutters had appeared. Back of the house was a little barn with a hen-house on one side, and on the other was a pen full of grunting pigs, drinking swill, growing fat, climbing into the trough, and running their long snouts up through the pen to see what we children had brought for them to eat.

I remember Ferman Henry from the time when I first began to go to school. He was fat and "clever," and always ready to talk with any of the boys; and he would tell us to come

into the yard and take the dipper and prime the pump, whenever we stopped to get a drink. He generally sat outside, under the big oak-tree, on the bench that stood by the fence, where he could see all who passed his door.

Mrs. Henry was almost as large and fat as he, and she too was "clever" to the boys. She wore a gray dress that was alike from head to foot, and she never seemed to change it or get anything new. They had a number of children, though I cannot tell now how many. The boys were always falling out of the big oak-tree and breaking their arms and carrying them in a sling. Two or three of those I knew went to school, and I believe that some were large enough to work out. The children who went to school never seemed to learn anything from their books, but they were pleasant and "clever" with their dinners or their marbles, or anything they had. We boys managed to have more or less sport at their expense. The fact that they were "clever" and cheerful never seemed to make the least difference to us, unless to give the chance to make more fun of them on that account. They never seemed to bring much dinner to school, excepting

bread-and-butter, and the bread was cut in great thick slices, and the butter never seemed very nice. I know it was none of Aunt Mary's.

We boys could tell whether folks were rich or poor by the dinners the children brought to school. If they had pie and cheese and cake and frosted cookies, with now and then a nice ripe apple, we knew that they were rich. We thought bread-and-butter the poorest kind of a lunch; and sometimes we would stop on the way and open our dinner-pails and throw it out.

We always knew the Henrys were poor. They had no farm, only a bit of land along the road that ran a little way up the hill. They kept one cow, and sometimes a horse, and two or three long-eared hounds that used to hunt at night, their deep howls filling the valley with doleful sounds.

Everyone said that Ferman Henry would work only when his money was all gone, and that when he had enough ahead for a few weeks he would give up his job. Sometimes he would work at the saw-mill and get a few more boards for his house, or at the country store and get nails or glass. After he came back from his three-months' service he was

given a small pension, and for a few days after every quarterly payment the family lived as well as the best, and sometimes even bought a little more material for the house.

Year after year, as the family grew, he added to the building, sometimes plastering a room, sometimes putting in a window or a door; and he always said it would be finished soon.

But however poor they were, every time a circus came near the town the whole family would go. The richest people in the village had never been to as many circuses as the Henry boys; and even if they knew nothing about the Romans or the Greeks, they could tell all about the latest feats of skill and strength.

I often saw Ferman Henry tinkering around the mill, where he came to do some odd job to get a sack of meal or flour. Once I well remember that the water-wheel had broken down and we had to stop the mill for several days; my father tried to get him to come and fix the wheel, but he said he really had not the time, — that he must finish up his house before cold weather set in.

As long as I went up and down the country road to school, I saw Ferman Henry's un-

finished house. We boys used to speculate and wonder as to when it would be done, and how it would look when it finally should be finished. Our elders always told us that Ferman Henry was too shiftless and lazy ever to complete his house, and warned us by his example. When we left our task undone, or made excuses for our idleness, they asked us if we wanted to grow up as shiftless and lazy as Ferman Henry.

After I left the district school, and went the other way to the Academy in the town, I still used to hear about Ferman Henry's house. The people at the stores would ask him how the work was coming on; and he always answered that he would plaster his house in the fall, or paint it in the spring, or finish it next year.

Before I left Farmington, the growing Henry family seemed to fill every crack and crevice of the house. The kitchen had been inclosed, but the porch was not yet done. The shutters were still wanting, the plastering was not complete, and the outside was yet unpainted; but he always said that he would go at it in a few days and get it done.

Ferman Henry

The last time I went to Farmington I drove past the house. Ferman Henry sat upon the little bench under the big oak-tree. A pail of water, with a dipper in it, stood by the pump. Mrs. Henry came out to see if I had grown. A group of children were grubbing dirt in the front yard. I drew up for a moment under the old tree, in the spot where I had so often rested when a child. Ferman Henry seemed little changed. The years had slipped over him like days or weeks, and scarcely left a furrow on his face or whitened a single hair. At my questioning surprise, he told me that the small children in the yard belonged to his sons who lived upstairs. I looked at the house, now falling to decay. The roof was badly patched, the weather-boards were loose; the porch had not been finished, and the building had never seen a coat of paint. I asked after his health and prosperity. He told me that all the family were well, and that he was getting on all right, and expected to finish his house that fall and paint it in the spring. Out in the back yard I heard the hogs grunting in the pen, as in the old-time days. I saw the laughing children

playing in the dirt. Mrs. Henry stood on the porch outside, and Ferman sat on the old bench and smiled benignly on me as I drove away. Then I fell to musing as to who was the wiser, — he or I.

CHAPTER XXI

AUNT LOUISA

IF I had only known, when I opened the long-closed door of the past, how fondly I should linger around the old familiar haunts, I am sure that I never should have taken a look back. I intended only to set down the few events that connect me with to-day. I did not know that the child was alien to the man, and that the world in which he lived was not the gray old world I know, but a bright green spot where the sun shone and the birds sang all day long, and the passing cloud left its shower only to make the landscape fairer and brighter than before.

And here, once more, while all reluctantly I was about to turn the bolt on that other world, comes a long-forgotten scene, and a host of memories that clamor for a place in the pages of my book. I cannot imagine why they come, or what relation they bear to the impor-

tant events of a living world. I had thought them as dead as the tenants of the oldest and most forgotten grave that had long since lost its head-stone and was only a sunken spot in the old churchyard.

But there is the picture on my mind, — so clear and strong that I can hardly think the scientists tell the truth when they say that our bodies are made entirely new every seven years. I am still a child at the district school. The day is over, and I have come back down the long white country road to the little home. My older brother and sister have come from school with me. As we open the front gate we have an instinct that there is "company in the house"; how we know, I cannot tell, — but our childish vision has caught some sign that tells us the family is not alone.

"Company" always brought mixed emotions to the boy. We never were quite sure whether we liked it or not. We had more and better things for supper than when we were alone; we had more things like pie and cake and preserves and cheese, and we did not have to eat so much of the things we liked less, such as bread-and-butter and potatoes and mush and

milk. Then, too, we were not so likely to get scolded when strangers were around. I remember that I used to get some of the boys to go home with me, when I had done something wrong that I feared had been found out and would get me into trouble; and we often took some of the children home with us when we wanted to ask permission to do something or go somewhere, — or, better still, we got them to ask for us. These things, of course, were set down on the good side of having company.

But, on the other hand, we always had a clean tablecloth, and had to be much more particular about the way we ate. We had to make more use of our knives and forks and spoons, and less of our fingers; and we always had to put on our boots, and wash our faces and hands, and have our hair combed before we could go in to supper, or even into the front room where the company was. And when we spoke we had to say "Yes, sir," and "No, sir," and "Yes, ma'am," and "No, ma'am." And we were not supposed to ask for anything at the table a second time; and if anything was passed around the second time and came to us, we were not to take it, but pass it on as

though we already had enough. And we were always to say "Please" and "Thank you," and such useless words,—just as though we said them every day of our lives. Sometimes, of course, we would forget, and ask for something without stopping to say "Please," and then our mother would look sharply at us, as if she would do something to us when the company was gone, and then she would ask us in the sweetest way if we had not forgotten something, and we would have to begin all over and say "Please."

Well, I remember that on this particular evening we all went round to the back door, for we knew there was company in the house; and when we went into the kitchen, our mother told us to be very still, and to wash our feet and put on our stockings and shoes, for Aunt Louisa was there. We asked how long she was going to stay; and she said she was not quite sure, but probably at least until after supper.

None of us liked Aunt Louisa. She was old, and had reddish false hair, and was fat, and took snuff, and talked a great deal. She belonged to the United Presbyterian church, and

went every Sunday, and sat in a pew clear up in front and a little on one side. Father and mother did not like her, though they were nice to her when she came to visit them, and sometimes they went to visit her. They said she came to see what she could find to talk about and then would go and tell it to the neighbors; and for this reason we must be very careful when she was there.

Aunt Louisa was a "widow woman," as she always said; her husband had been killed by a horse many years before. She used often to tell us all about how it happened, and it took her a long while to tell it, and my father said that each time it took her longer than before. She had a little house down a lane about three-quarters of a mile away, and a few acres of ground which her husband had left her; and she used to visit a great deal, calling on all the neighbors in regular turn, a good deal like the school-teacher who boarded around.

I remember that we had a nice clean table-cloth and a good supper the night she came, and we all got along well at the table. We said "Please" every time, and our mother never once had to look at us. After supper we went

into the parlor for a visit with Aunt Louisa. This must have been only a little while before my mother's death; for I can see her plainer that night than at any other time. I wish I could remember the tones of her voice; but their faintest echo has entirely passed away, and I am not sure I should know them if they were spoken in my ear. Her face, too, seems hidden by a mist, and is faded and indistinct. Yet there she sits in her little sewing-chair, rocking back and forth, with her needle in her hand and her basket on her lap. Poor woman! she was busy every minute, and I suppose she never would have had a chance to rest if she had not gone up to the churchyard for her last long sleep when we were all so young.

Aunt Louisa has brought her work; she is knitting a long woollen stocking, and the yarn is white. She puts on her glasses, unwinds the stocking, pulls her long steel needles out of the ball of yarn and throws it on the floor; then she begins to knit. The knitting seems to help her to talk; for as she moves the needles back and forth, she never for a moment stops talking or lacks a single word. Something is said that reminds her of her husband, and she tells

us of his death: "It was nearly thirty years ago. He went out to the barn to hitch up the colt. The colt was one that Truman had just got that summer. He traded a pair of oxen for it, to a man over in Johnston, but I disremember his name. It was a tall rangy colt, almost as black as coal, but with a white stripe on its nose and white hind feet. He was going out to draw in a load of hay from the bottom meadow. It was a little late in the season, but the spring had been dry, and it had rained almost all the summer, and he had n't had a chance to get in his hay any sooner. He was doing his work that year alone, for his hired man had left because his father died, and it was so late in the season that he thought he would get on alone for the rest of the year." I do not yet know how her husband was really killed, although she told us about it so many times, stopping often to sigh and take a pinch of snuff, and wipe her nose and eyes with a large red and black handkerchief. She said she had never felt like marrying since, and that she had no consolation but her religion.

After she had finished the story of her husband's death, she began to tell us about the

neighbors. She seemed especially interested in some man who lived alone in the village and who had done something terrible; I cannot now tell what it was, and in fact I hardly understood then what she meant. But she said she had been talking with Deacon Cole and with Squire Allen, and they thought it was a burning shame that the men folks did n't do something about it — that Squire Allen had told her there was no law that could touch him, but she thought if the men had any spirit they would go there some night and rotten-egg him and ride him on a rail and drum him out of town. I cannot remember that my mother said anything about the matter, but she seemed to agree, and Aunt Louisa kept on talking until it was almost nine o'clock; then she said she thought it was about time for her to go home. My mother said a few words about her staying overnight, but Aunt Louisa said she ought to go "so as to be there early in the morning." I know I thought at the time that my mother did not urge her very much, and that if she had, Aunt Louisa would most likely have stayed. Then my father told my older brother and me to get a lantern and go home with her. Of

course there was nothing else to do. All along the road she kept talking of the terrible things the man had done, and how she thought the men and boys of the village ought to do something about it.

A few nights afterwards I heard that something was to happen in the town. I cannot now remember how I heard, but at any rate I went to bed, and took care not to go to sleep. About midnight my brother and I got up and went to the public square. Twenty or thirty men and boys had gathered at the flag-pole. I did not know all their names, but I knew there were some of the best people in the place. I am certain I saw Deacon Cole, and I know that we went over to Squire Allen's carriage-house and got a large plank which he had told the crowd they might have. The men had sticks and stones and eggs, and we all went to the man's house. When we reached the fence, we opened the gate and went inside and began throwing stones and sticks at the house and through the windows; and we broke in the front door with Squire Allen's plank. All the men and boys hooted and jeered with the greatest glee. I can still remember seeing a

half-dressed man run out of the back door of the house, down the garden path, to get away. I can never forget his scared white face as he passed me in the gloom. After breaking all the doors and windows, we went back home and went to bed, thinking we had done something brave and noble, and helped the morals of the town.

The next day little knots of people gathered around the house and in the streets and on the square, to talk about the "raid." Nearly all of them agreed that we had done exactly right. There were only a few people, and those by no means the best citizens, who raised the faintest objection to what had been done.

Aunt Louisa was radiant. She made her tour of the neighborhood and told how she approved of the bravery of the men and boys. She said that after this everyone would know that Farmington was a moral town.

The hunted man died a year or so afterwards, and someone bought him a lonely grave on the outskirts of the churchyard where he could not possibly harm anyone who lay slumbering there, and then they buried him in the ground without regret. There was much discussion as

to whether or not he should have a Christian funeral; but finally the old preacher decided that the ways of the Lord were past finding out, and the question should be left to Him to settle, and that he would preach a regular sermon, just as he did for all the rest.

When it came Aunt Louisa's turn for a funeral, the whole town was in mourning. The choir practised the night before the funeral, so they might sing their very best, and the preacher never spoke so feelingly before. All the people in the room cried as if she were their dearest friend. Then they took her to the little graveyard and lowered her gently down beside Truman. Everyone said it was a "beautiful funeral." In a few months a fine monument was placed on the little lot, — one almost as grand as Squire Allen's. She left no children, and in her will she provided that all the property should be taken for the funeral and for a monument, except a small bequest to foreign missions.

CHAPTER XXII

THE SUMMER VACATION

IF I were to pick out the happiest time of my life, I should name the first few days of the summer vacation after the district school was out.

In those few rare days all thoughts of restraint were thrown away. For months we had been compelled to get up at a certain time in the morning, do our tasks, and then go to school. Every hour of the day had been laid out with the precision of the clock, and each one had its work to do. Day after day, and week after week, the steady grind went on, until captivity almost seemed our natural state. It was hard enough through the long fall and winter months and in the early spring; but when the warm days came on, and the sun rose high and hot and stayed in the heavens until late at night, when the grass had spread over all the fields and the leaves had covered all the

twigs and boughs until each tree was one big spot of green, when the birds sang on the branches right under the school-house eaves, and the lazy bee flew droning in through the open door, then the schoolhouse prison was more than any boy could stand.

In the first few days of vacation our freedom was wholly unrestrained. We chased the squirrels and chipmunks into the thickest portions of the woods; we roamed across the fields with the cattle and the sheep; we followed the devious ways of the winding creek, clear to where it joined the river far down below the covered bridge; we looked into every fishing-pool and swimming-hole, and laid our plans for the summer campaign of sports just coming on; we circled the edges of the pond, and lay down on our backs under the shade of the willow-trees and looked up at the chasing clouds, while we listened to the water falling on the wheel and the dozy hum of the grinding mill. In short, we were free children once again, left to roam the fields and woods to suit our whims and wills.

But even our liberty grew monotonous in a little while, as all things will to the very young,

— and, for that matter, to the very old, or to anyone who has the chance to gain freedom and monotony. So in a short time we thought we were ready to do some work. We wished to work; for this was new, and therefore not work but play.

When I told my father of my desire to work, he seemed much pleased, and took me to the mill. But I noticed that as we left the house he put a small thin book in the pocket of his coat. Later in the day, I found that this was a Latin grammar, and that he had really taken me to the mill to study Latin instead of work. I protested that I did not want to study Latin; that I wished to work; that school was out, and our vacation-time had come; and that I had studied quite enough until the fall term should begin. But my father insisted that I ought to study at least a portion of the day, and that I really should be making some progress in my Latin grammar. Of course the district school did not teach Latin; the teacher knew nothing about Latin, and, indeed, that study did not belong to district school.

I argued long with my father about the Latin, and begged and protested and cried;

but it was all of no avail. I can see him now, as he gravely stood by the high white dusty desk in the little office of the mill. Inside the desk were the account-books that were supposed to record the small transactions of the mill; but these were rarely used. The toll was taken from the hopper, and that was all that was required. Even the small amount of book-keeping necessary for the mill, my father scarcely did,— for on the desk and inside were other books more important far to him than the ones which told only of the balancing of accounts.

My father stands beside the dusty desk with the Latin grammar in his hand, and tells me what great service it will be to me in future years if I learn the Latin tongue. And then he tells me how great my advantages are compared with his, and how much he could have done if only his father had been able to teach him Latin while he was yet a child. In vain I say that I do not want to be a scholar; that I never shall have any use for Latin; that it is spoken only by foreigners, anyhow, and they will never come to Farmington, and I shall never go to visit them. I ask my father if

he has ever seen a Latin, much less talked with one; and when he tells me that the language has been dead for a thousand years, I feel still more certain that I am right. But he persists that I cannot be a scholar unless I master Latin.

It was of no avail to argue with my father; for fathers only argue through courtesy, and when the proper time comes round they cease the argument and say the thing must be done. And so, against my judgment and my will, I climbed upon the high stool in the little office and opened the Latin grammar, while the old miller bent over my shoulder and taught me my first lesson.

Can I ever forget the time I began to study Latin? Outside of the little door stands the hopper full of grain; a tiny stream is running down the centre, like the sands in an hour-glass, and slowly and inevitably each kernel is ground fine between the great turning stones. All around, on every bag and bin and chute, on every piece of furniture and on the floor, lies the thick white dust that rises from the new-ground flour. Outside the windows I can see the water running down the mill-race and

through the flume, before it tumbles on the wheel. The hopper is filled with grain, the wheat is tolled, the water keeps falling over the great wheel, the noise of the turning stones and moving pulleys fills the air with a constant whir. My father leaves the mill at its work, comes into the little office, shuts the door, and tells me that *mensa* is the Latin word for "table." This is more important to him than the need of rain, or the growing wheat, or the low water in the pond. Then he tells me how many different cases the Latin language had, and exactly how the Romans spoke the word for "table" in every case; and he bids me decline *mensa* after him. Slowly and painfully I learn *mensa*, *mensæ*, *mensæ*, *mensam*, *mensa*, *mensa*, and after this I must learn the plural too. And so with the whirring of the mill is mingled my father's voice, saying slowly over and over again, "*mensa*, *mensæ*, *mensæ*, *mensam*, *mensa*, *mensa*." I stammer and stutter, and cry and mutter, and think, until I can scarcely distinguish between the whirring of the mill and the measured tones of my father's voice repeating the various cases of the wondrous Latin word.

Sometimes he lets me leave my lesson and

go to the great pile of cobs that fall from the corn-sheller, and go over these to take off the kernels that the sheller left. But in a little while my hands are so red and sore that I am glad to go back to my Latin word again. Then he lets me cut the weeds along the edges of the mill-race; but the constant stooping hurts my back, and the sun is hot, and this, too, soon grows to be like work, and no easier than sitting on the high stool with the Latin grammar in my hand. Now and then a farmer drives up to the mill with his team of horses or slow heavy oxen, and I try to make myself useful in helping him to unload the grain. This is easier than shelling corn or cutting weeds or learning Latin; for it is only a little time until the farmer is gone, and then perhaps another takes his place. Somehow I never want these farmers or the boys to know that I am studying Latin at the mill, for they would wonder why my father made me study Latin, and what he could possibly see in me to make him think it worth the while. I wondered, too, when I was young; I could not understand why he should make me study it, as if his life and mine depended on the Latin that I learned. Surely

he knew that I did not like Latin, and at best learned it slowly and with the greatest pains, and there was little promise in the efforts that he made in my behalf.

I could not then know why my father took all this trouble for me to learn my grammar; but I know to-day. I know that, all unconsciously, it was the blind persistent effort of the parent to resurrect his own buried hopes and dead ambitions in the greater opportunities and broader life that he would give his child. Poor man! I trust the lingering spark of hope for me never left his bosom while he lived, and that he died unconscious that the son on whom he lavished so much precious time and care never learned Latin after all, and never could.

But still, all unconsciously, I did learn something from my lessons at the mill. From the little Latin grammar my father passed to the Roman people, to their struggles and conquests, their triumphs and decline, to the civilization that has ever hovered around the Mediterranean Sea. He, alas! had scarce ever gone outside the walls of Farmington, and had seldom done as much as to peep over the high hills that held the little narrow valley in its

place. But through his precious books and his still more precious dreams he had sailed the length and breadth of the Mediterranean Sea, — and though since then I have stood upon the deck of a ship that skims along between the blue waters below and the soft blue sky above, and have looked off at the sloping, fertile uplands to the high mountain-tops of Italy, and even over to Africa on the other side, still my Roman empire will ever be the mighty kingdom of which my father talked, and my Mediterranean that far-off blue sea of which he told when he tried so hard to make me study Latin in the little office of the mill; and ever and ever the soft murmur of the blue white-crested waves crawling up the long Italian beach will be mingled with the lazy whir of the turning stones and my father's gentle eager voice.

The dust and mould of many ages lie over Cæsar and Virgil and Horace and Ovid. The great empire of the Roman world long since passed to ruin and decay. The waves of the blue Mediterranean have sung their requiem over this mighty Mistress of the Sea, and many others, great and small, since then. The Latin

tongue lives only as a memory of the language of these once proud conquerors of a world. And no less dead and past are the turning wheel, the groaning mill, the crumbling dam, and the kindly voice that told me of the wonders of the Roman world. And as my mind goes back to the Latin grammar and the little dusty office in the mill, I cannot suppress the longing hope that somewhere out beyond the stars my patient father has found a haven where they still can speak the Latin tongue, and where he comes nearer to Cæsar and Virgil and Ovid and to the blue Mediterranean Sea than while the high hills and stern conditions of his life kept him busy grinding corn. At all events, I am sure that when my ears are dulled to all earthly sounds, I shall fancy that I hear the falling water and the turning wheel and the groaning mill, and with them the long-silenced voice repeating, in grave, almost religious tones, —

Mensa, mensæ, mensæ, mensam, mensa, mensa.

CHAPTER XXIII

HOW I FAILED

SOMEHOW I can identify my present self only with the boy who went to the Academy on the hill. Back of this, all seems a vision and a dream; and the little child from whom I grew is only one of the old boyish group for whose sake the sun revolved and the changing seasons came and went.

It must be that for a long time I looked forward to going to the Academy as an event in my boyish life. For I know that when I first went up the hill, I wore a collar and a necktie and shoes, — or, rather, boots. I must have felt then that I was growing to be a man, and that it was almost time to put off childish things. When I went to the Academy, we called the teacher "Professor," and he in turn no longer called me Johnny, or even John, but spoke to me as "Smith." A certain dig-

nity and individuality had come to me from some source, I knew not where. When we boys came from the playground into the open door, it was not quite the mad rush of noisy and boisterous urchins that carried all before it, like a rushing flood, in the little district school.

Almost unconsciously some new idea of duty and obligation began to dawn upon my mind, and I had even a faint conception that the lessons of the books would be related in some way to my future life. Among us boys, in our relation to each other, the difference was not quite so great as that between the teacher and ourselves; but our bearing toward the girls was still more changed. In the district school they had seemed only different, and rather in the way, or at least of no special interest or importance in the scheme. Now, we stood before them quite abashed and awed. They had put on long dresses, and had taken on a reserved and distant air; and much that we said and did in the Academy was with the conscious thought of how it would look to them. This, too, was a reason why we should wear our collars and our boots, and comb our

hair, and not be found always at the bottom of the class.

I began about this time to get letters at the post-office, — letters addressed directly to me, and which I could open first, and show to the others or not as I saw fit. And I began to know about affairs, especially to take an interest in politics, and to know our side — which of course was always beaten. I, like all the rest of the boys, inherited my politics and my religion. I said, — like all the boys; but I should have said like all people, whether boys or men. So little do we have the habit of thought, that our opinions on religion and politics and life are only such as have come down to us from ignorant and remote ancestors, influenced we know not how.

So, too, the same feeling seemed to steal over us at home and in our family group. The old sitting-room was quieter and wore a more serious look as we gathered round the lighted lamp on the great table with our books. The lessons were always tasks, but we tried to get through them for the sake of the magazine or book of travel or adventure that we could read when the work was done.

My father was as helpful and interested as ever in our studies, and constantly told us how this task and that would affect our future lives. More and more he made clear to us his intense desire that we should reach the things that had been beyond his grasp.

Almost unconsciously I grew into sympathy with his ideals and his life, seeing faintly the grand visions that were always clear to him, and bewailing more and more my own indolence and love of pleasure that made them seem so hard for me to reach. I learned to understand the tragedy of his obscure and hidden life, and the long and bitter contest he had waged within the narrow shadow of the stubborn little town where he had lived and struggled and hoped so long. It was many years before I came to know fully that the smaller the world in which we move, the more impossible it is to break the prejudices and conventions that bind us down. And so it was many, many years before I realized what must have been my father's life.

As a little child, I heard my father tell of Frederick Douglass, Parker Pillsbury, Sojourner Truth, Wendell Phillips, and the rest of that

advance army of reformers, black and white, who went up and down the land arousing the dulled conscience of the people to a sense of justice to the slave. They used to make my father's home their stopping-place, and any sort of vacant room was the forum where they told of the black man's wrongs. My father lived to see these disturbers canonized by the public opinion that is ever ready to follow in the wake of a battle fought to a successful end. But when his little world was ready to rejoice with him over the freedom of the slave, he had moved his soiled and tattered tent to a new battlefield and was fighting the same stub-born, sullen, threatening public opinion for a new and yet more doubtful cause. The same determined band of agitators used still to come when I had grown to be a youth. These had seen visions of a higher and broader religious life, and a fuller measure of freedom and justice for the poor than the world had ever known. Like the despised tramp, they seemed to have marked my father's gate-post, and could not pass his door. They were always poor, often ragged, and a far-off look seemed to haunt their eyes, as if gazing into space at something

beyond the stars. Some little room was always found where a handful of my father's friends would gather, sometimes coming from miles around to listen to the voices crying in the wilderness, calling the heedless world to repent before it should be too late. I cannot remember when I did not go to these little gatherings of the elect and drink in every word that fell upon my ears. Poor boy! I am almost sorry for myself. I listened so rapturously and believed so strongly, and knew so well that the kingdom of heaven would surely come in a little while. And though almost every night through all these long and weary years I have looked with the same unflagging hope for the promised star that should be rising in the east, still it has not come; but no matter how great the trial and disappointment and delay, I am sure I shall always peer out into the darkness for this belated star, until I am so blind that I could not see it if it were really there.

After these wandering minstrels returned from their meetings to our home, they would sit with my father for hours in his little study, where they told each other of their visions

and their hopes. Many and many a time, as I lay in my bed, I listened to their words coming through the crack with the streak of lamplight at the bottom of the door, until finally my weary eyes would close in the full glow of the brilliant rainbow they had painted from their dreams.

After all, I am glad that my father and his footsore comrades dreamed their dreams. I am glad they really lived above the sordid world, in that ethereal realm which none but the blindly devoted ever see; for I know that their visions raised my father from the narrow valley, the dusty mill, the small life of commonplace, to the great broad heights where he really lived and died.

And I am glad that as a youth and a little child it was given me to catch one glimpse of these exalted realms, and to feel one aspiration for the devoted life they lived; for however truly I may know that this ideal land was but a dream that would never come, however I may have clung to the valleys, the flesh-pots, and the substantial things, I am sure that some part of this feeling abides with me, and that its tender chord of sentiment and memory reaches

back to that hallowed land of childhood and of youth, and still seeks to draw me toward the heights on which my father lived.

I never knew that I was growing from the child to the youth; that the life and experience and even the boy of the district school was passing forever into the realm of clouds and myth. Neither can I remember when I grew from the youth to the man, nor when the first stoop came to my shoulders, the first glint of white to my hair, or the first crease upon my face. I know that I wear glasses now, — but how did my sight begin to fail, and in what one moment of all the fleeting millions that hurried past did I first need to put glasses on my eyes? How lightly and gently time lays its hand upon all who live! I can dimly remember a period when I was very small, and I can distinctly remember when I went to the Academy on the hill and began to think of maturer things if not to think maturer thoughts. I remember that I began to realize that my father was growing old; he made mistakes in names, and hesitated about those he well knew. Still, this is not a sure sign of growing years, for I find that I am doing this myself, and

many times lately have determined that I must take more pains about my memory, and cultivate it rather than continue to be as careless as I have always been. And only yesterday around an accustomed table with a few choice friends, I told a long and detailed story that I was sure was very clever and exactly to the point. I had no doubt that the pleasant tale would set the table in a roar. But although all the guests were most considerate and kind and seemed to laugh with the greatest glee, still there was something in their eyes and a certain cadence in their tones that made me sure that sometime and somewhere I had told them this same story at least once before.

I gradually realized that many plans my father seemed to believe he would carry out could never come to pass. I knew that for a long time he had talked of building a new mill. True, he did not say when or how,— but he surely would sometime build the mill. At first I used to think he would; and we often talked of the mill, and just where it would stand, and how many run of stones the trade demanded, and whether we should have an engine to use when there was no water in

the dam. But gradually I came to realize that my father never would live to build another mill, and that doubtless no one else would replace the one he had run so long. Yet he kept talking of the mill, as if it would surely come. Nature, after all, is not quite so brutal as she might be. However old and gray and feeble her children grow, she never lets them give up hope until the last spark of life has flown.

Even when my father talked with less confidence of the mill, he was sure to build a new water-wheel, for the old one had turned over and over so many times that there was scarce a sound place no matter where it turned. But this, too, I slowly found would never be; yet after a while I grew to encouraging him in his illusions of what he would sometime do, and even in his wilder and fonder illusions of what I would sometime do. Gradually I knew that he stooped more and rested oftener, and that his face was whiter; and I forgot his age, and never under any circumstances would let anyone tell me how old he was.

As I myself grew older, I came to have a stricter feeling of right and wrong,—to see

clearly the sharp lines that separate the good and the bad, to grow hard and unforgiving and more intolerant of sin. But this, like the measles, whooping-cough, and other childish complaints, I luckily lived through. It is one of the errors of childhood to believe in sin, to see clearly the division between the good and the bad; and, strangely enough, teachers and parents encourage this illusion of the young. It is only as we grow into maturer years that we learn that there are no hard-and-fast laws of life, no straight clear lines between right and wrong. It is only our mistakes and failures and trials and sins that teach how really alike are all human souls, and how strong is the fate that overrides all earthly schemes. It is only life that makes us know that pity and charity and love are the chief virtues, and cruelty and hardness and selfishness the greatest sins.

As I grew older, one characteristic of my childhood clung about me still. My plans never came out as I expected, and none of the visions of my brain grew into the perfect thing of which I hoped and dreamed. I never seemed able to finish any work that I began; some more alluring prospect ever beckoned

me toward achievements grander than my brain had conceived before. The work was contrived, the plan was formed, the material prepared,— but the structure was only just begun.

And so this poor book but illustrates my life. Long I had hoped to write my tale, much I had planned to tell my story; and here, after all my hopes and plans, I have gone off in quite another way, babbling of the schemes of my boyhood days, the thoughts and desires, the hopes and feelings, of a little child. So long and so fondly have I lingered in this fairy-land that now it is too late, and I must close the book before my story really has begun.

That fatal trip back to my old home was the cause of my undoing, and has robbed me of the fame that I had hoped to win. But I felt that I could not write the story unless I went back once more to visit the town of my childhood, and to see again the companions of my early life. But what a revelation came with this simple journey to the little valley where my father lived! I had looked at my face in the glass each day for many years, and never felt that it had changed; but when I went back to my old familiar haunts, and looked into the

faces of the boys I once knew, I saw scarcely a line to call back their images to my mind. These bashful little boys were bent and gray and old, and had almost reached their journey's end. And when I asked for familiar names, over and over again I was pointed to the white stones that now covered our old playground and were persistently crawling up the hill beyond the little rivulet that once marked the farthest limits of the yard. So many times was I referred to the graveyard for the answer to the name I called, that finally I did not dare to ask, "Where is John Cole?" or Thomas Clark, but instead of this I would break the news more gently to myself, and say, "Is John Cole living still?" or, "Is Thomas Clark yet dead?"

I am most disconsolate because I could not tell the story that I meant to write, and I can scarce forgive this weird fantastic troop that pushed themselves before my pencil and would not let me tell my tale. Yet, after all, — the everlasting "after all" that excuses all, and in some poor fashion decks even the most worthless life, — yet, after all, there was little that I could have told had I done my very

best. Even now I might sum up my story in a few short words.

All my life I have been planning and hoping and thinking and dreaming and loitering and waiting. All my life I have been getting ready to begin to do something worth the while. I have been waiting for the summer and waiting for the fall; I have been waiting for the winter and waiting for the spring; waiting for the night and waiting for the morning; waiting and dawdling and dreaming, until the day is almost spent and the twilight close at hand.

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A DEBATE

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PREFACE

This discussion treats an important question that has received no specific and thorough examination elsewhere, notwithstanding its gravity. Mr. Darrow is probably the foremost of the American representatives of the non-resistance theory, and his case is stated in these pages more pointedly and forcibly than in any of his published works. The arguments launched against Mr. Darrow will, I think, satisfy the opponents of the non-resistance philosophy.

ARTHUR M. LEWIS.

Chicago, Mar. 21, 1911.

DARROW'S FIRST SPEECH

Marx versus Tolstoy: A Debate

DARROW'S FIRST SPEECH

As this is a Sunday morning, and a semi-religious question, I take for my text the 38th and 39th verses in the 5th chapter of Matthew. I cannot quote it literally. It is quite a time since I have read it. But I know the import of it.

"Ye have heard that it hath been said," I am quoting from Matthew, "An eye for an eye, and a tooth for a tooth. But I say unto you: Resist not evil. But whosoever shall smite you on the right cheek, turn to him the other also."

I do not quote this because Matthew wrote it. I really do not know

whether he did or not; and I care a great deal less. I could not find out whether Matthew wrote it, unless I should read Professor Foster's works on religion, and that would take too long. But I quote it because throughout all the Western world this has been the accepted statement of the doctrine of non-resistance. It is, perhaps, as good a statement of that theory as one can find in a few short sentences. Matthew had no patent on it, of course. There are very few thoughts in this world that are patented, and those are not worth it. It was undoubtedly very old before Matthew lived—if he lived. And it has been repeated a great manv times since he died—if he died.

The theory of non-resistance is taken, generally, as the opposite to the theory of punishment, or the the-

ory of vengeance, which, up to the time of the Christian religion, was the theory of the world—and since that time has been doubly the theory of the world. Its announcement, as generally admitted by those who have written and spoken upon the subject, has reference, first, to the treatment of those whom society calls criminals; next, perhaps, to governments in their relations to each other and to their subjects; and then to women and children, insane, prisoners, and the like. It relates to the way those who have the power have generally exercised that power in relation to the rest of the world.

Now, I might say in the beginning that I am not quite sure of this theory, or of any other theory. I used to be a good deal more positive than I am today. And, especially, I am

not at all sure that there is any theory in philosophy, or morals (or laws), that works out in sociology. The science of society, if there is such a science, is not an exact science. You cannot demonstrate any theory of society the way you can demonstrate the multiplication table, unless it is Socialism—and you cannot demonstrate that in the same way unless you are speaking to an audience of Socialists. You might demonstrate Single Tax to a Single Taxer, but you could not do it to anybody else. Exact science has little to do—something to do, but little to do—with the ways in which man organizes himself on the planet. He does not move in straight lines, or in regular curves, or even in crooked lines, that can be depended upon. When he learns what the crooked

line is he goes straight. And no theory of life, no theory of society can be worked out as to communal life, in the same way that you can work out the science of mathematics, or of astronomy, or geology, or any science dealing with anything that keeps still.

But the question is, whether the theory of punishment, as opposed to the theory of non-resistance, is most in harmony with life, and tends to the progress of the world; whether human life in its slow evolution is going toward the theory of non-resistance, or is going toward the theory of violence, and force, and punishment.

If one looks back at the origin of the State we do not find that it had the immaculate birth that most people believe. It was born in force and

violence. The strong took a club, and made a state for himself. It was a simple state, kept there by the force of the strong man's club and his will. From that it has gone on until it takes a good many strong clubs, together with a good many armies, navies, policemen, lawyers, judges, etc., to keep the state in order. But through it all has run the theory of force, and through it all the power has come not from the people who asked it, but from the people who took it because they were the stronger. In the beginning the chief preserved order and the law, by saying what should be the law and enforcing order himself with his club.

In modern society the controlling forces arrange things as they want them, and provide that certain things

are criminal. Sometimes those things have a semblance of natural crime, and sometimes not. The largest number of crimes are crimes against property. Sometimes you may trace them more or less directly to violation of some law that is in the natural world. But the fact is that the class which rules society come together and say what men must do, and what they must not do. And the man who violates it commits crime.

There are in society, and always have been, a large number of people, due mainly to conditions of society, who are what we call defectives; who are anti-social in their nature; whose life and conduct tend toward the disintegration of society, instead of the life of society. Very largely the treatment of crime is a question of treatment of these anti-social indi-

viduals. It is a question of treatment of those who persevere, in one way or another, in violating the rules of the game which society has made.

Way back under the Mosaic Law —and Moses did not have a patent on it either, but under the law of the world, the doctrine of an "Eye for an eye, a tooth for a tooth," prevailed. If a man killed another his life should be taken. If he stole something he should be punished. If he burglarized, then it meant something else, generally death. If he did something, the world would do something to him. And they would do that something that the world at that time thought was the right thing to do to him. In this way, even down to a hundred years ago, there were in England about two hundred crimes punishable by death. Almost every-

thing that could be conceived was punished by death. And the lawyers, and judges, and preachers of that day had no thought that society could hang together if men were not hanged regularly for stealing sheep and anything that happened. The old doctrine of an eye for an eye, and a tooth for a tooth, was the common doctrine of the world, and that doctrine prevails today.

All penal codes are really built upon that doctrine. When you trace penal codes back to the beginning, they mean one thing, and only one, i. e., vengeance. A man has done something. He has caused some one to suffer. Therefore society will do something to him. In the early stages, if some one slew another, the members of his tribe had the right to go and take the life of any member

of the other tribe in return. It did not matter whether he had been guilty or not. It was the law of vengeance, the law of punishment—and punishment and vengeance have always meant the same thing in the world, no matter where it has been.

Punishments of crimes have always been arbitrary. One man would say that for stealing a horse the somebody stealing it should go to jail for thirty days. Another would say that he should go to the penitentiary for a year; another would say five years; and somebody else would say he should be hanged by the neck until dead. Punishments have never depended upon the act done, but upon the man who saw the act done and the mind possessed by the ruling power. Of half a dozen judges given authority to administer punishment

for a certain act no two judges would administer the same kind of punishment. One would say thirty days, another thirty years; just according to the mind he has. Some judge might give you less after breakfast than he would before. And another judge might give you more if he had attended a banquet through the small hours in the morning preceding, and did not feel well when he administered the sentence. All those things enter into it, and when you come to sum it all up, the real theory of it is a question of vengeance: The individual has done something. How much shall we do to him in return? How much will we make him suffer, because he has made some one else suffer?

Now, the non-resistant says, there is no such thing as crime, i. e., some

of them say that. And they say that all punishment is bad, not heavy punishment alone—but all punishment; that man has no right to punish his fellow man, that only evil results from it; that the theory of vengeance and the theory of punishment is wrong; that it cures nobody, it does not tend to benefit society, it does not tend to change the defective, it does not tend to build up society. It is wrong and untrue in its whole theory; and the theory of nonresistance is the true theory as to crime. Whatever you may think of the theory, the world has been steadily going that way. It has been abolishing the death penalty, until today in most civilized countries there are only one or two crimes punishable by death; and it is very rarely that death is meted out for those.

Punishment has been growing less severe, and the methods of inflicting punishment are less severe. Of course, in the old day when men were less squeamish and more honest they had their hangings in broad daylight. Today we do not do it, not because we are better, but because we are squeamish. We have hangings in the jail, so that the effects of the punishment will be entirely lost to the community.

Our terms of imprisonment are not so long. Our methods of treating the imprisoned are more humane. We sentence a man to prison. Of course, in the old time he used to be put into a vile place, where he would be half clad and half fed, and where he would be covered with rags full of vermin, and where he would suffer all sorts of physical pain. Today we

send him to jail, and we have the jail steam heated and electric lighted. We have a doctor to take care of him if so, perchance, the penalty is death he won't dies before his time comes; and if he is to be hanged he gets better food than he ever did before. So far as men are entrusted with the power of carrying out these provisions they do it as humanely as they can do it.

In the old times the insane were treated like criminals. They were locked up in cells; they were loaded with chains; they WERE criminals, because the rest of the world did not understand them. We have gotten over that. We have learned to treat them as human beings, and to treat them as those suffering from ailment, whereas once in the history of the world they were visited with the old

law of vengeance, the law of force. The world some time will learn to treat all of its defectives, and all those who violate the code, the same as they treat the insane and the ill today. And we are learning it, more and more, every day.

The theory of non-resistance does not, necessarily, say that a man cannot be restrained, although very likely that would not be necessary under any decent law of society. It is possible there are some who are so born, and have been so treated by society, that they would need to be restrained just as those afflicted with small-pox may be restrained in a hospital. But to restrain them and treat them until cured is one thing; to say that men because of some inherent wickedness deserve punishment is another thing. It would be

absurd to restrain men suffering from small-pox and turn them out from a hospital in six weeks, whether cured or not. If hospitals were run in the same way as jails, we would send them up for thirty days; and if they got well in a week we would keep them there.

The whole theory of punishment, so far as there is any theory in it—and there is not much in it, except the idea of vengeance—but the whole theory, so far as there is one, comes from the religious conception; that some people are made inherently bad, that their minds are evil, or their souls for that matter, or whatever is the intangible thing about them that makes them evil. And they deserve punishment, because they have a "wicked, abandoned and malignant heart." We always have

to put that "wicked, abandoned and malignant heart" in the indictment; otherwise it is no good. If he has that in his heart he can be punished. When twelve jurors and a judge get together, how can they tell whether his heart is bad or not? You could tell better if you dissect him. It goes upon the theory that man is apart from all the other beings that inhabit the universe; that he is a free moral agent; that he is a sort of a wild train running at large through the universe; that he is not governed by rules and conditions like the rest of the universe about us. But that the Lord created him, put a mind in him, a good heart in some of them; a wicked, abandoned and malignant heart in others; and sent them out to run wild independent of all the universe about them. And whenever

the good people catch up with these wicked, abandoned and malignant people then we punish the wicked because, intrinsically, they are bad, because they chose the evil instead of the good. They could do better if they wanted to be better, but they did not choose. Society sends them to jail, just as brutal parents whip their children because they are bad instead of good.

As a matter of fact, science and evolution teach us that man is an animal, a little higher than the other orders of animals; that he is governed by the same natural laws that govern the rest of the universe; that he is governed by the same laws that govern animal life, aye, and plant life; that free moral agency is a myth, a delusion, and a snare. It teaches us that he is surrounded by

environment, the product of all the past, the product of all the present; that he is here just like any other subject of natural law; and that it is not goodness, it is not badness, that makes him what he is. It is the condition of life in which he lives. And if he lives unwisely, if he is a defective, if he is anti-social, it is not that he chose it; but it is due to a thousand conditions over which he has not the slightest control. And the wise society seeks to change his environment, to place him in harmony with life. They know that they can only change the man by changing the conditions under which he lives; that good and evil, so far as he is concerned, do not exist; that right and wrong are religious myths; that it is a question of the adaptability of the individual to social life, and a grad-

ual change of the environment under which he lives.

With the state is the same thing. The theory of force and violence applied to the state has drenched the world in blood. It has built great navies, and great armies. One nation builds a great navy and a great army, and destroys the resources of its people to build armies and navies. And another nation must build a greater navy and a greater army, because of the first. It makes of the nations of the earth armed camps, and the stronger the one arms itself, the stronger must the rest. England builds her wonderful navy out of the toil of the poor, out of what should buy food for the men who produce it. And when she builds it, then Germany must build one as large, and so must France, and so must

Russia build one, too. And of course patriotic America must build one. We need a navy for fear that a band of Senegambians might send a fleet to devastate Chicago some night. The theory of force and violence as applied to political states has built up the navies and armies of the world, and has caused most of the bloodshed of the human race. Is there any doubt but what nations would be stronger if they burned their battleships instead of building new ones? Can you increase the power of one nation by building ships, when you simply make others build larger? You never change the relative proportion, which alone makes the strength. If instead of adding to the navies the world over, we gradually got rid of them, the

relative strength would be what it was before.

In industrial life it is the same thing. The reign of force, and the reign of violence, means competition, means industrial strife; is responsible for the greed and selfishness and avarice for the fortunes of the great and the poverty of the poor. It is only in these later days, when the world is looking to something better, when they are learning that force and violence is wrong, that it is wrong that merchants compete and cut each other's throats and workmen compete against each other to show how much less they can work for; and that it is better to organize society on a co-operative basis where each man is to help his fellowman instead of fighting his fellowman.

The dreams of the world may be far off, and we must fit every dream to every reality. For the world is imperfect. But if, as society progresses, there shall one day be a civilization better than the world has known, it will be a society where force and violence and bloodshed and cruelty have disappeared. It will be a world of brotherhood. A world not of destruction, of competion, of violence, of hatred, of enmity; but a world of co-operation, of mutual help, of love, of brotherliness; and that alone makes for the progress of the world.

LEWIS' FIRST SPEECH

LEWIS' FIRST SPEECH

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

You will hear from me a very different theory of non-resistance to the one which has just been presented. If I believed that the theory of non-resistance had been properly stated this debate would close at this point, because I have heard next to nothing from the lips of my opponent with which I am not thoroughly in harmony. Mr. Darrow is probably the first man to treat this subject as if it were a department of modern criminology, as if it were a matter of penal codes, a question of the punishment of criminals, their treatment in general, and the treatment of the

sick, the insane, etc. These are tacked on to the theory by my opponent, but they are only indirectly related to the question. In all that relates to the question of punishment of criminals I am in agreement with Mr. Darrow.

The subject of this debate is the theory expressed in the words: "Resist not evil." What is "evil"? Does it consist chiefly in the deeds performed by criminals, as my opponent seems to think? The criminal, according to Mr. Darrow, is not responsible for what he does; the evil goes further back than the criminal; it does not consist of what the criminal does, but of the causes which lead the criminal to do as he does. What are those causes? Let us go back to the causes of crime.

It will be agreed, I have no doubt,

by my opponent, and I shall maintain it whether he agrees or not, that the criminal is the product of society, that is, the product of a society which, through the instrumentality of private property in the means of life, shuts out some men from the opportunity to live honestly and decently. This is the prolific cause of criminals. Whatever evil there may be in crime must, in my opinion, be laid not to the criminal, but at the door of society, especially at the door of the ruling class, the existence of which is responsible for the criminal. And the question of "Resist not evil" in this field is not, shall society resist the actions of the criminal whom it has itself produced, but shall men who have been shut off from the means of life resist the society which has so shut them off? Shall they re-

sist the ruling class which has monopolized their means of life, and left them face to face with starvation? Shall that ruling class—the existence of which is the real evil in the problem—be resisted? This is the question of resisting evil in my use of the terms. And I say, yes; we should resist this evil to the point of its abolition.

I am going to give you another exposition of the origin of the theory, or doctrine, of "Resist not evil." This theory, like all other theories, has what the philosophers would call a sufficient reason, or, as the scientists would term it, an efficient cause. Sufficient reason and efficient cause are back of all things. This is true of all theories, without regard to whether they are true or false. In fact, we can only judge the merit of

a theory when we know its cause. Theories do not drop out of the clouds. They are not communicated to men by divine persons who live outside the universe. They cannot be accounted for on the ground of spontaneous generation. Theories grow out of the world of material reality, and social theories grow out of social phenomena.

The causes for the theory, put forward by Mr. Darrow, are hazy and indistinct and lack historical precision. They do not go back to the origin of the theory itself. This omission on the part of my opponent I shall proceed to remedy. He has given us the names of the men who are responsible for this theory—Jesus Christ and His disciples, etc. I shall endeavor to give you the forces and conditions which caused

the theory to be impressed upon the minds of the men who taught it.

It is generally supposed that progress is universal. So far from this being the case, the majority of the human race do not even understand the idea of progress. If it is explained to them they treat it with contempt. This is the mental attitude of all the people of the Orient. And this attitude the Orientals held in common with the ancients and with savages. Herbert Spencer, in his "Principles of Sociology," says:

"Primitive man is conservative to a degree. Even on contrasting the higher races with one another, and even on contrasting different classes in the same society, it is observable that the least developed are the most averse to change."

Walter Bagehot, in his brilliant

little book, "Physics and Politics," maintains:

"Our habitual instructors, our ordinary conversation, our inevitable and ineradicable prejudices, tend to make us think that 'progress' is the normal fact in human society, the fact which we should all expect to see, the fact which we should all be surprised if we did not see. But history refutes this. The ancients had no conception of progress; they did not even so much as reject the idea, they did not even entertain the idea. Oriental nations are just the same now. Since history began they have always been what they are."

And the greatest of all authorities on this question, Sir Henry Sumner Maine, says:

"Vast populations, some of them with a civilization considerable but peculiar, detest that which in the language of the West would be called Reform. The entire Mo-

hammedan world detests it. The multitudes of colored men who swarm the great continent of Africa detest it, and it is detested by that large part of mankind which we are accustomed to leave on one side as barbarous and savage. The millions and millions of men who fill the Chinese Empire loathe it (and what is more) despise it. * * * The enormous mass of the Indian population dreads change. * * * To the fact that enthusiasm for change is comparatively rare must be added the fact that it is extremely modern. It is known but to a small part of mankind, and to that part but for a short period during a history of incalculable length."

This opposition to change, which is dominant in the Oriental world, is responsible for the stagnation of the East.

Now, this stagnation is not without a cause, and the cause is not far to seek. We have only to read their literature and to examine their re-

ligions. These two are really one—the great bulk of their literature is religious. The greatest and most widespread of these religions is that of Prince Gautama Buddha—Buddhism. Today this faith rules the minds of five hundred million men, or one-third of the entire human race. It has enough in common with all the other Oriental religions to typify them all.

The first and most fundamental of the truths of Buddhism is one called the "First of Four Noble Truths." Four truths make up the system. That first truth is, that "everything is Misery." The ruling principle of the universe is evil. You cannot be protected and guarded from evil. It is inherent in all things. It cannot be escaped, it cannot be eradicated, it cannot be changed. It is the absolute

and supreme law of the universe. This is the first great dogma of the Buddhist religion.

The logical consequence of this belief in the supremacy of evil is that the word "sorrow" is a great word in the Buddhist faith. In fact, the faith itself is summed up in the word "sorrow."

The second of these noble truths is "Sorrow's Cause," or the "Cause of Sorrow." What is this thing that is the Cause of Sorrow? In the estimation of the Orientals it is the thing modern sociologists call "desire"—the desire to escape and to overcome oppression; the desire to conquer evil, and to put in its place happiness and joy. The desire to do this is the one damnable thing in the estimation of the Oriental. He believes that evil is so supreme that any attempt

to resist it is a waste of energy, and only leads to greater evils; therefore we should stamp out and exterminate all desire, all ambition, all enterprise, all hope of defeating evil; we should crush all our yearnings and longings and wants and submit, practice resignation, renunciation, meekness and submission, bow to fate—"Resist not evil." Evil is so omnipotent that resistance is madness. Existence is so ruled by evil that the only salvation lies in escaping from life back into the peaceful realm of death. Edwin Arnold, in "The Light of Asia," expresses it thus:

"The aching craze to live ends, and life glides
Lifeless, to Nameless quiet, Nameless peace:
Blessed Nirvana, sinless, stirless rest—
The change that never changes."

And yet, this desire, which is the thing condemned by the Orientals, is regarded by Lester F. Ward, and all other great sociologists, as the mainspring of social progress. Without it no progress is possible. But, according to the religion of the Orientals, there is no triumph of religion until every possible tendency, every possible impulse, that could lead to progress, stimulating human advancement and the march of mind in the conquest of matter, has been stamped out, until progress cannot be possible in any direction; not until then have we reached the third truth: "Sorrow's Ceasing." The conclusion is: Life is not worth living; evil is triumphant; we must submit while we are here, and hope to get out of it as soon as possible.

This is the origin of the doctrine

of non-resistance of evil. No matter what evil may attack us we must bow in our helplessness and say with the Mohammedan, "It is Kismet"—it is fate.

The Christian religion, of which the mythical Matthew is an alleged exponent, is an Oriental religion. Some of us may have forgotten that, but it is none the less true. We have corrupted it with Western ideas; that it to say, we have improved it by injecting some civilization into it. But it is none the less Oriental in all its leading features. Its petrified sacred books are just as much opposed to change as are all sacred books and all things Oriental. What horrible hells have been prepared and threatened to those who ventured to make any addition to the knowledge contained in the Scriptures.

And the Hypatias, Bacons, Brunos and Ferrers who have dared to make any addition, and who have sought by the process of education to make their additions common property, have always found their Christian brothers ready to anticipate the so-called wishes of the Almighty and pay them installments of hell in advance.

The theory of non-resistance of evil is based on theological religion. It flies in the face of all modern science. Back of it stands the dogma that the Maker of All Things must be all-wise. If evil exists in the world it can only be by His permission. Not a sparrow can fall to the ground without His knowledge; not a hair on a human head be hurt without His consent. Therefore, if cities are decimated by the plague it can

only be because He is willing it should be so. The plague is evil. Nobody disputes that. But shall it be resisted? Not according to the doctrine of "Resist not evil." According to that theory, sanitation, drains, whitewash, and chloride of lime are inventions of the devil. The plague cannot be there unless the powers that rule the universe desire it. Any sanitation is an attempt to thwart the desire of these powers. If the theory of non-resistance had not been set aside, and if men of science had not set themselves to resist the evil of the plague, the black plague, like the white plague, would be still among our visitors. Lightning which struck public buildings and laid them waste could not do so unless the Maker of the Universe consented. Benjamin Franklin, who at-

tempted to resist with the lightning rod, was regarded as one of the advance agents of his Satanic Majesty.

The evils of disease and pain, supposed to have come into the world by the will of God, take various forms. Take the pain of women in child-birth, especially in extreme cases. That pain is evil. Shall we resist it? Or shall we, because it is a creation of the Almighty, allow it to go unresisted? Some men said: Resist! They tried anaesthetics for women in child-birth. And the theologians said it was another attempt to thwart the Almighty, and under no circumstances should it be permitted until Dr. Arthur Simpson Young presented the preachers an argument they could not answer. Dr. Young said: "You forget I am only imitating the Almighty Himself, who be-

fore He took the rib from Adam put him into a deep sleep."

The essential difference between science and religion gathers around this theory. Science believes in trying to conquer and abolish evil of all kinds. This is the supreme aim of science. It is the very breath of life of modern civilization. Religion, theological religion, on the contrary, with its cringing submission to evil, meets with defeat just in proportion as science advances and knowledge spreads. All through the centuries the attitude of non-resistance to existing evils has restrained the progress of the race. Science has been successful in the Occident; it has conquered, and it is pressing Christian theories to such an extent that the modern Christian cannot now even understand or com-

prehend his own doctrines. Where is the Christian who can see any sense, if he is smitten on one cheek, in turning the other to his assailant? Can you imagine a Christian in a restaurant running after a man who has taken his hat, to give him his coat?

Oriental ideas have become obsolete, the doctrine of non-resistance along with them. Only here and there do we find a really clever man, like Darrow, ready to inflict an Oriental quietism on the pulsing, throbbing life of the modern world.

Christianity is largely derived from Buddhism. The Christianity of the New Testament just as surely took its doctrine of "Resist not evil" from Buddhism as it took its personal devil from the superstition of Persia. This theory of non-resistance

has passed from Buddha to Christ, from Christ to Tolstoy, and from Tolstoy to Darrow.

Sometimes a theory, born in one society under given social and material conditions, if transplanted to another country and a different material environment, will die out. But if there happens to be something in that environment which lends color to it, it may live on indefinitely. This is why the non-resistance theory of Christ reappears in the writings of Tolstoy. All Orientals have absolute monarchies. The monarch is all-powerful, and resistance to the evils of government is only another name for sudden death. The Jews of the time of Christ were so ruled by the Roman broadsword that resistance spelled extermination. And Christ gave the people the best advice he

could have given them under the circumstances when he tried to persuade them not to resist. This condition is repeated in Russia, and it is chiefly for this reason that the theory reappears in Russia. The Russian autocracy is so supreme and powerful that to resist it is only a way to a sudden grave. So the theory of non-resistance keeps alive in Russia, because it happens to harmonize with social conditions there.

The great problem of America, and of Western Europe generally, is the problem of Capital versus Labor. We take our side with labor. Capital robs labor; and that robbery is evil. It is the crowning evil of the modern world. Shall we resist that evil? I say, yes. Darrow says, yes and no; practically, yes; theoretically, no. The truth of the matter is, there are

two Darrows: A Mr. Hyde, of non-resistance; and a Dr. Jekyll, full of fight. These have both gone into print. Darrow, the Oriental poet and dreamer, wrote a book, entitled, "Resist not Evil." Darrow, the American citizen, ready at all times to help the laboring class resist any and all forms of evil that the ruling class may try to heap upon it, wrote a pamphlet: "The Open Shop." The motto of the pamphlet is: "The cause combatted for is yours. The efforts and sacrifices made to win it should therefore be yours." Darrow, the Darrow who wrote the pamphlet, is always engaged when the unions get into a tight corner. Why do you suppose they engage him? Because he is a non-resistant, and does not believe in resisting evils? No. They engage him, because they know that

in spite of his acceptance of a dreamy, poetic theory he is as full of fight as a mountain lion, and will not give up until every weapon has been tried and the last possible blow is struck. I will read one or two passages from "The Open Shop." He says, speaking of unionism, that:

"Individually the man is helpless, the trade union has furnished the common workman the one institution to which he can look for friendship and protection; the one body on which he can rely for the redress of his grievances, and the protection of his rights, and if society were to remove that protection and safeguard, and cut the workman off from his fellows and leave him to fight his individual battles against the great combination of capital for which he works, it would leave the laborer stripped and naked to commence his long and painful journey back to serfdom once again, and when he starts out upon this road, the great

mass of men whose independence has been won along with the workman's struggles, the great middle class, must go back with him."

If you resist not evil, or even if the unorganized worker resists alone, that means back to serfdom. This is the Darrow of the twentieth century. Again he says:

"The history of trade unionism—as, in fact, the history of the rise of the common people toward the measure of independence they now enjoy—is one long tale of struggles, defeats, and victories, and every single step in their progress has been against the most stubborn opposition and at the greatest cost."

There is little non-resistance here. He has the following to say about the "scab":

"The very reason that keeps men from

joining the unions of their craft makes them more servile and cringing to their employers; makes them ever subservient to his demands. They have learned well the lesson of the masters that to thrive you need only work hard and do all in your power to get the good opinion of your boss. So this class is ever ready to submit to encroachments; to take longer hours; to consent to poorer conditions; to make no trouble over unsafe tools, and to even let their wages be reduced."

According to this, non-resistance leads to disaster. These are the views of the fighting Darrow. Darrow, the non-resistant, has no say in this pamphlet.

In this debate you have your choice of two opposing philosophies. Mr. Darrow offers you the philosophy of the Orient; the philosophy of non-resistance; the philosophy of resignation, renunciation, helpless-

ness, submission and despair—the philosophy of eternal stagnation. This philosophy of stagnation is the mental reflection of the stagnant life of Asia, and, in its turn, it acts as a preservative of the stagnation which gave it birth. Japan alone, of all the Asiatic nations, has broken this long trance and thrown off the paralyzing stupor; and this because she has responded to the example of those energetic, innovating, evil-resisting Westerners, who are still regarded by China as "foreign devils."

On the other hand, I offer you the philosophy of the Occident; a philosophy of the resistance of evil in all its forms. The offer is somewhat belated, as you have already accepted this philosophy. By it you regulate your daily lives. If you did not, civilization would drive you to the open

sky and a diet of roots and acorns. My opponent himself has accepted this philosophy of progress and action with all that part of his brain which enables him to live and breathe and maintain his being in the metropolis of the Western world. In the interior of his skull the theory of non-resistance occupies only that isolated corner where the convolutions are less deep and more rudimentary, the corner which is responsible for some of his literary productions.

In the days when we had not as yet grasped the real significance of the awakening of Japan we were greatly alarmed by the "Yellow Peril." Our alarm had its basis in the fear that the East would overrun the West; that the world would be conquered by a race which would

offer no resistance to the evils of oppression and exploitation, a race that would slave from sunrise to sunset for a handful of rice.

In vain will my opponent endeavor to shake off this antithesis of Occident and Orient. You cannot travel backward upon the path that marks the genesis of his theory without discovering its Eastern birth. Darrow is a self-confessed disciple of Tolstoy. Tolstoy's country is on the borders of Cathay. Russia finds herself caught between white and yellow; and her perpetual problem is: Shall she stay back with the East or go forward with the West. Tolstoy and Darrow are, again, both disciples of an Oriental mystic, himself a mythical character, for whom the scenes are set at the eastern end of the Mediterranean, northeast of Egypt,

southeast of Turkey — further east than either. The teachings, parables, miracles and legends attributed to him, and recorded in the New Testament, are an integral part of the intellectual baggage of the dreamy, credulous and uncritical East.

America, of all the Western countries, is the farthest removed from the soporific influences and submit-to-evil attitude of the Oriental, and my opponent should have learned long before this that his theory of non-resistance to evil has no present, nor any future, in this country. The English poet, Tennyson, in "Locksley Hall," contrasts these two positions, and like a true Westerner decides for a progressive, evil-resisting civilization, and against the intellectual paralysis of Orientalism and sav-

agery. He begins by painting Oriental life in glowing colors and extolling its apparent advantages:

* * * "Ah, for some retreat
Deep in yonder shining Orient where my life began to beat.

"There, methinks, would be enjoyment more than in this march of mind,
In the steamship, in the railway, in the thoughts that shake mankind.

"There the passions, cramp'd no longer, shall have scope and breathing space,
I will take some savage woman, she shall rear my dusky race.

"Iron-jointed, supple-sinewed, they shall dive, and they shall run,
Catch the wild goat by the hair, and hurl their lances in the sun;

"Whistle back the parrot's call, and leap the rainbows of the brooks,
Not with blinded eye-sight poring over miserable books."

Then our poet shakes himself out of his day-dream and swings back to the world of modern, progressive, social reality:

"Fool, again the dream, the fancy, but I KNOW my words are wild,
But I count the gray barbarian lower than the Christian child.

"I, to herd with narrow foreheads, vacant of our glorious gains,
Like a beast with lower pleasures, like a beast with lower pains!

"Mated with a squalid savage—what to me were sun and clime?
I, the heir of all the ages, in the foremost files of time.

"I, that rather held it better men should perish one by one,
Than that the earth should stand at gaze like Joshua's moon in Ajalon!

"Not in vain the distance beacons; forward, forward, let us range.

Let the great world spin forever down the
ringing grooves of change.

"Men, my brothers; men, the workers, ever
reaping something new,
That which they have done but earnest of
the things which they shall do.

"Through the shadow of the globe we sweep
into a younger day:
Better fifty years of Europe than a cycle of
Cathay."

DARROW'S SECOND SPEECH

DARROW'S SECOND SPEECH

As near as I can find out, the question with my opponent seems to hinge on a pedigree. I have seen some mighty poor things have good pedigrees. I never looked up the pedigree of non-resistance, and I do not care. It may have come from Asia, or from Africa, or from Europe. I do not know where it came from. I have an idea, though, that almost every prophet, and seer, and humanitarian the world over have always had a glimmering of this truth, and have taught it more or less in their philosophy, though they may not have practiced it. For it is one thing to believe a thing, and another to work at it. But they have seen this

vision, believed it, and wanted to help it along, and looked forward to the time when it shall be the rule, I have no doubt whether in Europe or in Asia. The real teachings of all the great men in the world have not been so much different, because after all men's thoughts come from their own conservativeness, what is inside of them—not what is outside of them. Two men see the same things, and yet they think different thoughts. That is due to the character of the mind. Prophets the world over have had rather similar thoughts, the teachings of Buddha, Confucius, Christ and the really great teachers of the world have been wonderfully alike, and where the doctrine came from has nothing whatever to do with it.

My friend tells you in one breath

that there is a small corner in my brain where I believe in non-resistance—and from that I have written this book. In the other he tells you that he agrees with everything I have said. Now, if he agrees with all I have said on the subject of non-resistance, and all its inferences, then all there is left is a question of definition. I do not care anything about his definition, nor my definition. And yet I think all men who have claimed to believe in it have given it the same definition. I have never read that it meant that one could not take a bath, or that one could not cure himself of a disease, or could not wear clean clothes. That has nothing to do with non-resistance.

The doctrine of non-resistance is, as a doctrine, opposed to force, violence, and punishment; and is a doc-

trine which teaches that the law of love is the right law of human action rather than the law of hatred, vengeance and punishment. You may say that you can carry this theory into plant and into animal life. But all this is largely in the realm of speculation. A man believes many things as to society, and as to human life, that he cannot demonstrate, and that he can only see as visions before him of what he thinks a regenerated race will do, or some time become. You cannot apply it to all animal life, to all plant life, and to all human life, and say that if one individual should drop down into a society filled with strife and discord and combat he can live an ideal life and be governed by the rules which will one day govern the world. This fact in no way shows that this is the true

rule of life, and in no way shows that the theory is the wrong theory.

Society today, as ever, is a mixture of the life of individual men. It is a mixture of the good and the bad, broadly speaking. It is a mixture of co-operation and competition; it is a mixture of hatred and fear; it is a mixture of war and peace. The world has evolved from the lowest order. It is still evolving. Is there any doubt with anybody who believes in evolution that as the human race evolves it will leave war, murder and bloodshed out; and that it will cling to co-operation, peace, and harmony, and love? If it does not do this, it will not evolve. That is what evolution means. Neither man individually, nor man mixed up in society, is able to demonstrate or exemplify this. All he can do is to go toward

it, and be as sure as possible that he is on the right road, and that so far as in him lies he is helping the world to go the right road.

Maybe there are inconsistencies in this philosophy. It may be there are inconsistencies in those who preach it and talk it. Perhaps you can take some of my writings and find some that are inconsistent. I have talked too much to make it all consistent. But if you can find some inconsistent thing that I said you would have no more right to say that makes the theory wrong than to say Benjamin Franklin was a lunatic because he thought that he could keep off lightning with a lightning rod. That was a part of the witchcraft of science.

The theory is scarcely disputed by my friend—the theory, in all that it implies, is scarcely disputed. The

theory has been promulgated as against the cruelty of society, as against the doctrine of "an eye for an eye, and a tooth for a tooth," which is prevalent.

He tells you this is the Christian doctrine that I am teaching. I wish it was. That is, I wish the Christian doctrine was this doctrine. Did you ever hear a preacher who preached it? Did you ever hear of an orthodox preacher who would not let go of the church before the jail? Would they give up punishment? Would they give up force? Don't they love the penitentiary more than the chapel? Did you ever know of one praying that a man should not be punished; or forgiving him his faults, or not criticising him for what they considered his errors? It is not the doctrine of the Christian church

at all. It is the opposite. But if it is not the doctrine of the Christian church, neither is it the doctrine of China or Japan, except of a few of the wise, and great, and good, who there, as everywhere, saw what the rulers of the world have never seen, who felt what the cruel have never felt, whose minds had the imagination to feel the sufferings of their fellow men, whose hearts were so tender as to make them feel the heart throbs of the weak and poor and the suffering. But China, Japan, India, and the whole world have been ruled by hatred. They cut men's heads off in China. They send men to prison as punishment. The great religious teachers may have believed one thing, but their religious rulers have ever practiced another thing. Force is the essence of government. Every

government upon the face of the earth has been over the protest of the weak and of the poor.

Almost all men in jail believe in non-resistance. In a way they are, generally, not wise and great. They have not had the time and the money to be wise and great. But all of them have an instinctive feeling as they look back at their lives that they have had to do just as they have done. They might look at the acts that placed them where they are, and into every one of the devious places that they have trod down from their cradles to the present, and they can see thousands of circumstances which held them in the grasp and made them what they are. And they know they are not to blame for their position. They know in their hearts that the whole theory of punishment is

wrong, the whole theory, though it is the theory upon which the world goes today.

If Brother Lewis has been converted to the theory of non-resistance, in the penal code, I wish he would go to work and convert the rest of the world, for it needs it. There are only a few who have been converted to it. All the governments have been built upon it.

What is true of jails and penitentiaries is true of the state. Men have practiced force. They seem to forget that in the thousand activities of human life we go about our affairs automatically; that men turn to the right when they meet on the street, and that they go around each other the proper way. They live together automatically in most of the affairs of life. But they still seem to think

that the great weight of the club, and the great power of the jail and prison, must be used or the state must fall to pieces. And so we build our armies and our navies, and make our penal statutes, and our cruel punishments, and the whole world believes in them—and the whole world practices them.

I believe with my friend that the great problem today is the problem of capital and labor. But how is that affected by the theory of non-resistance?

Those who think that non-resistance is a milk-and-water theory have got another guess. It is not. I was talking the other day with a man who had been a colonel in the war. I said: "I do not know how you could get up courage to go up in the face of cannons and bayonets and

take your life in your hands." He says: "I did it, because I was too big a coward to run away." And that is why most all men go to war. They are too big cowards to stay at home. That is why men fight. They are too big cowards not to fight. Do you think it is a brave man who fights; or is it the brave man who does not fight? I will show you ten thousand men who are willing to go up in the face of hostile cannon, where you cannot find one man who will take one stick of criticism in a daily newspaper. There is not anything on earth so cheap as physical courage. Why even a bulldog can fight, but it has not got much brain. Fighting has nothing to do with the labor question, or with the question of capital and labor. How is it ap-

plied to the question as it exists today?

In order to change social conditions you say you must get rid of the ruling class, by force or some other way—one way or the other. Now, the weak are the poorest ones in the world to fight. They have no guns; the other fellow has them all. They have no organization. They have no chance in a fight. But they can fight. Workingmen of today can fight. If all of them would refuse to work or the great majority would refuse to work and enter into passive resistance—non-resistance—quit feeding the race; that is all you need to do. You cannot, of course. Wait until you can. You can get a small minority to arm themselves with brickbats and guns. What happens? You

are sending a small force, poorly armed and equipped, against all the power of the state, and you cannot succeed, and you never have succeeded.

The only force that can win is determination, non-resistance, peaceable force. There is such a thing as peaceable force that is more forcible than forcible force.

Let me give you a few illustrations. What makes life? The cold, hard, stern winter; or the sunshine and the warm rain of the summer and the spring? The one means death, and the other means life. Repression and death go together. Love and sunshine and life are born together. Do you want to change the conduct of men, whether grown individuals or children; take a child and whip the child, can you change his

conduct? You may change his conduct, but can you change his heart? Conduct is only the outward manifestation of the inward individual. To change the individual you must change the heart, and then the conduct must be free. Can you cure hatred with hatred? Everybody knows it in their own life. You may force men against their will to do certain things, but their hearts are a seething mass waiting for a time when they may accomplish other things by violence. Do you think you can do something for a man by sending him to the penitentiary? Gentleness is the law that makes life. Cruelty and hatred and coldness is the law that makes death. The question of non-resistance or resistance means a choice between those two laws.

LEWIS' SECOND SPEECH

LEWIS' SECOND SPEECH

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

I wish it to be clearly understood that so far I have said nothing intended to express any agreement with Mr. Darrow as to the merits of the theory of non-resistance; but I reassert that I have no fundamental dispute with my opponent on the subject of criminology.

The scientific method of treating anything or any theory is the historical method. Many things which remained mysteries for centuries became amazingly simple once their origin became known. The question of origin is now generally regarded as the first and most important ques-

tion in the treatment of any scientific subject. And my friend Darrow proposes to sweep it away by a jibe about pedigrees. Scientific students will form their own estimate of his astonishing assertion that: "where the doctrine came from has nothing to do with it."

Mr. Darrow evidently believes that nobody ever supposed that Christianity, with its theory of non-resistance, meant the non-resistance of that form of evil called disease. The modern Christian will agree Darrow. He is a believer in baths and sanitation; but it was not always so. The founders of his religion regarded disease as due to the possession of devils as the New Testament amply shows. With them medical science counted for nothing and was discouraged. Their only cure for

disease was an appeal to a being who had power to compel the devils to vacate human and other bodies. Medical science has only reached even its present unsatisfactory position in the teeth of theological opposition and the modern Christian has only accepted scientific theories of disease because they have been thrust upon him by the progress of knowledge—a progress that was bitterly fought by his historic church. Religious opposition to cleanliness and sanitation furnishes an instructive chapter in history—a chapter which my opponent has evidently left unread.

One of the chief arguments in Mr. Darrow's last speech, as in his first, is his assumption that the theory of non-resistance is a modern product—a crown and flower of recent thought.

The exact opposite is the truth. This theory belongs essentially to the ancient and primitive world. It has wide acceptance where evolution is unknown. It is as widely rejected in the modern Western world where the theory of evolution is solidly established.

Force, in the estimation of my opponent is always bad, and here I think he is wide of the truth. I will freely concede, and, if need be, maintain that the force used by a ruling class to oppress and rob a subject class, is evil. Such oppression and exploitation is very properly described as evil. This may be well described as aggression, and this class aggression is not a supposition; it is the central fact of present civilization. The question is: Should this evil be resisted? I say, yes. Such

resistance is the life-breath of human progress, and non-resistance, as I have already shown by my opponent's own pamphlet, would lead us back to the dark ages. I am, as a Socialist, unalterably opposed to the aggression of a class, and a whole-hearted believer in resistance to that aggression. If a despotic nation seeks to tyrannize over a neighboring people because the neighbor is giving dangerous examples of the advantages of free institutions, while I would condemn the force so employed, I would applaud the force used by said neighbor if it should resist the tyranny. I am a believer in non-aggression, but opposed to the non-resistance of aggression. There is an important difference between non-aggression and non-resistance—a difference, however, which has

played no part in the thinking of my opponent.

One of the points in my opponent's position seems to him to defy any contradiction. This is that whatever may be the practical shortcomings of his theory as remedy for present evils, at least it is ideally correct and will be the governing principle in the more enlightened society of the future. I regret being obliged to disappoint any expectations he may have of my acquiescence in this proposition. It is highly probable that society will not for some time rid itself of all forms of evil and of course the statement of the theory of non-resistance of evil implies existence of evil which is, or is not, to be resisted. I cannot conceive of a society in the future adopting as a working principle so suicidal a

theory as the non-resistance of evil. Any society persisting in such a policy would eventually disappear in the struggle for existence. Unceasing resistance to evil in all its forms is the first condition of human progress.

A long and profound acquaintance with the practice of law has taught my opponent certain rather clever methods of getting out of tight places. And so we are calmly informed that there is a kind of force that is not forcible, and certain forms of resistance that do not resist. Passive resistance, for example, is not resistance at all, despite its being called such. It seems to my non-legal intellect that force which is not forcible cannot properly be called force, and the quality of resisting must be present in all forms of resist-

ance whether it be called active or passive. Contradictions of terms may serve as argument in the courts but not in this debate.

It is a very excellent commandment which says: "Thou shalt not steal." Stealing is a form of aggression, especially when it is practiced by the strong against the weak; and the great bulk of real stealing is of this order. Darrow will admit that the stealing by the ruling class of the wealth produced by the working class is real stealing, and he is no doubt as willing as I am to say to that ruling class: "Thou shalt not steal." But suppose they ignore the injunction. What shall we do? Shall we allow their stealing to go unresisted? Our only course, it seems to me, is to fall back on the principle enunciated by Carlyle:

There are two guilty parties in any theft, the thief and the victim. If the robber pays no heed to our protest we must turn to the robbed worker and say: Thou shalt not be stolen from. People who allow themselves to be robbed when they could prevent it by resisting, have small claims to sympathy.

One of the aspects of non-resistance which damns the theory in my estimation is that it is so thoroughly in harmony with the desires of the ruling class. I cannot conceive that tyrants of any kind could wish anything better than that the evil of their oppression should go unresisted. It hardly seems probable that the existing possessing class will give up without a bitter struggle and a non-resistant working class would be doomed to perpetual slavery.

Mr. Darrow seems to regard the state as having existed almost from all eternity. He regards it as a product of savagery. In this he is altogether mistaken. If the anthropologists are to be believed, the state is only about five thousand years old, while primitive communism, which had no state, endured for approximately one hundred thousand years.

The state dates from the break-up of communal property and the beginning of private property in land. The principle of private property was extended to all means and modes of production as they developed and the state grew in power and importance as a consequence. Back of the state stands private property in the means of life. Capitalist property is the root from which the army, navy and police systems come forth. The

state is a citadel built around capitalist property. The state is the grand weapon wielded against the workers whenever they grow restless under their heavy burdens.

Resistance to capitalist exploitation must begin at the state. The state, as a class instrument, must be wrested from the hands of its users, not to be used by its new owners to oppress others, but in order that it may be abolished. The abolition of the state is the historic task of the working class. This task can never be achieved by quiescence and non-resistance. It can only come as the result of long, hard struggle. This sense of the necessity for resistance is already part of the worker's mental processes. He cannot comprehend the meaning of non-resistance. The thing looks futile on the face of

it. He must fight back at all costs. The unions are founded on this idea. The future of the working class depends upon its ability to successfully resist oppression. Liberty and struggle are inseparably linked together. A struggling, evil-resisting working class is indispensable to future progress of the human race.

DARROW'S THIRD SPEECH

DARROW'S THIRD SPEECH

I am not in the least interested in winning. It will make no difference to me who has the last speech, or who wins.

Now, it is very evident that my friend's definition of non-resistance and mine are not the same. Perhaps this will prevent this audience from getting its money's worth. I do not know. But if you get any ideas it does not make any difference.

I do not understand non-resistance to mean that you cannot fight disease, or destroy bedbugs, or take baths, or indulge in passive resistance. I do not think that anybody who has ever preached or taught non-resistance understood such a thing. Now, if

non-resistance does include it, then I do not fully believe in non-resistance. I do not propose to run a theory down a blind alley just to hang on to something.

I think a man is not obliged to keep on working in order to practice non-resistance. He can sit down and rest if he wants to. And if all workingmen chose to sit down and rest, instead of working to satisfy the needs of the race, I would consider that was passive resistance, non-resistance. I am not in the least required to work.

Neither will I admit that non-resistance is a religious doctrine, except as the word "religion" might mean something it has never meant in practice. It might mean an aspiration for a higher form of collective life, which it has never meant. It

has always meant, a scheme for saving man's soul. But in that sense non-resistance has had nothing to do with it. Certainly these monks were not non-resistants. Because when the world was covered with the Dark Ages of religious belief and lack of intelligence, we had plenty of wars and plenty of Christianity. And the greatest wars the world has known have been fought on account of religious beliefs. Upon one side were the non-resistant Christians, and upon the other were the Mohammedans and other religious sects. It has never been any substantial part of the Christian religion. Now, of course, here and there great souls have been illumined with this thought and have taught it. But a religion is one thing, and a religious machine is quite another thing. And

the religious machine has not only believed in resistance in this world but in the other, too; neither of which I believe in.

Whether non-resistance leads to pessimism does not interest me in the least. At least it is an open question. I believe the world is divided into two classes: the pessimists and the weak-minded. I am inclined to the pessimist side. But what that has to do with non-resistance I do not know.

My friend says he believes in non-aggression, but not in non-resistance. My friend is not a lawyer, but he acts like one.

When a couple of lawyers, twelve jurors, a judge, a bailiff, a lot of newspapers, and a religious public opinion send some poor devil to jail because he has stolen something so-

ciety says they are practicing resistance to evil, because the man is a thief. My friend says that society is practicing aggression. From society's standpoint it is resistance to evil. It is dependent on the standpoint. I believe that is aggression. Society is engaged in what it believes resisting evil. They say, here is a man that has stolen something—violated some rule of the game—and we resist it by force, and we punish it. They call it resisting evil, and say it is wrong. It is wrong to commit aggression upon that man. If he stole, society is responsible, because under the arrangments of society that is the best profession he can get. Or else you might say with Mr. Lewis that evolution is responsible for it, on account of the way it shaped the skull, and the shape of the skull made the brain di-

rect what he did. In any event, to harm a hair on his head, to inflict any pain or suffering upon the man, is wrong, and not conducing to the highest moral and physical development of the human race. The theory of resistance, and the practice of resistance of visiting force and violence and suffering upon your fellow man, is an evil theory, and can only produce evil results, near and remote, wherever you may find it.

He says the commandment "thou shalt not steal" is no more sacred than the commandment "Thou shalt resist stealing." It is just as incumbent on us not to permit stealing. True, under the moral code it is. But what are you going to do? Of course, nobody knows what stealing is. It is purely arbitrary. For a few men to fence off the earth and

for another man to go over inside the fence and take something away is stealing, under the rules of the game. It is stealing from one man's standpoint, but not from that of another. The men who fence off the earth, they say the man who comes over is the thief. Mr. Lewis says the fellow who goes there should resist the other man. And society says, the man who fenced off the earth should resist the other man. It is a question of standpoint. If you admit either philosophy, then both have the right to resist, and it is a question of force, and violence, and punishment; and the question resolves down to this: under which way can justice be the best and easiest obtained?

He says he believes in force for the working class. It has always

been the same story since the world began, and will be so long as the world lasts. Who will win? Will it be the rulers, fitted and equipped with guns, ships, policemen, and with jails; always equipped for war? Or will it be the poor, the weak, and the disinherited, who have nothing to fight with?

I would not be so much opposed to force if I thought it would win. But I have seen that game tried so often that I know better. I think I know—that you cannot get justice that way. And suppose you could. Suppose the working class could turn society over, which they cannot—but suppose they could—and that they got the guns and cannons and swords, and they were the state, then what? Do you think they would do any better? I know them

too well. Let me tell you. While the Socialist Party—I have nothing against that, except there are not enough of them vote the ticket—while they cannot muster a corporal's guard—every fellow wants to be the boss, and every fellow wants to make charges against every other fellow, and talk about him, lie about him, and gossip about him worse than a lot of women in a sewing society, and use all kinds of tactics to defeat him, and if they were running society they would not last as long as a snowball, not until they learn something. They would be just like the rest. They have got to learn that the whole campaign is wrong. They have got to learn that punishment is wrong; that resisting evil is wrong. They have got to learn the fundamental things, char-

ity, humanity, brotherly love, which is the basis of all of it.

Do you think all the trades-unionists are angels? If you do, think it over again. They are not. There is a lot of them that are ignorant; some of them are brutal, and some of them are grafters.

Do you think if you stood society on its head, and gave them the guns, that all would be peace and harmony and loveliness; and that we would then practice non-aggression, if not non-resistance? No, you would be just where you were in the French revolution, where as soon as they got rid of the heads of the nobility they commenced cutting off each other's heads. It is what the whole thing leads to. It is in the theory of life as applied to the practice of man; to

the doctrine they believe, and the life they live.

Do you believe in cruelty, in punishment? Do you use your tongue to condemn men and women? Do you use your efforts to get them in jail? Do you believe in punishment? If so, do you think your life and conduct conduces so well to civilization as the life and conduct of him who does not use his tongue and pen in that way? Or is the other theory right? Is the theory of love or hatred right?

My friend is wrong when he says that all strife comes from capitalism. It lurks in the human heart. It is part of the savage. It is in the beast, from there to man. You may go back to Egypt in the early scrolls and in their tombs and find the man with

the spear, and the savage fights as much as the civilized. War comes from the brute, and if civilization means anything it means getting the brute out by teaching something higher.

My friend talks much about evolution. Of course I believe in evolution. Everybody does nowadays who has any sense, and that is not so very many. Is evolution war, or is it peace? Is the tendency toward war or peace? Why, the higher the race goes upwards, the more it co-operates. There is little co-operation in plant life; there is none, except one to feed upon another. There is little co-operation in animal life; little in the lower orders of man. And what men of vision and insight and inspiration are hoping for is the time when the human

race will thoroughly co-operate, when each person will not be seeking only his own good, but the good of every other man. Evolution will not be complete until war and strife and competition are banished, and co-operation and love, and fellowship shall take its place.

CLOSING SPEECH BY LEWIS

CLOSING SPEECH BY LEWIS

Mr. Chairman, Mr. Darrow, Ladies and Gentlemen:

We are now informed that nonresistance is not a religious theory. Perhaps Mr. Darrow does not regard the New Testament, from which he took his text this morning, as a religious book, or Jesus Christ, the chief advocate of the theory, as a religious character, or Christianity as a religion. Whatever I may or may not have done I have clearly shown this theory to be an integral part of the religious systems of the Orient.

When workingmen are not satisfied with the terms offered by their employers they must decide what is

to be done. If they decide to stop working their act is described by Darrow as an instance of non-resistance. Darrow's claim cannot be sustained. If the men decide not to resist their employers they go on working. They only strike when they are determined on resistance and, in their estimation, the strike is a weapon used in a battle. My opponent can gain nothing by calling this "passive resistance." So long as it is resistance of any kind it belongs to my side of this argument.

Mr. Darrow freely admits that society is the real aggressor in the case of the criminal, and the real evil is to be found in the behavior of society. The question of non-resistance here is: Should the individual who is denied an opportunity to live honestly by vicious social laws re-

spect those laws and die without protest; or should he, claiming that life is above law, break through the meshwork and try to live despite the laws? According to the theory of non-resistance the individual in question should die quietly. Even Catholic theology is superior to this; the Catholic Church has always held that a starving person should steal both as a right and a duty. True, Catholics have perhaps never encouraged the practice of this precept except in the case of Cardinal Manning in the London dock strike.

Darrow would be willing for the working class to adopt force if he thought it would succeed. This is a frank admission of the validity of the argument I presented in my opening speech. Christ believed in non-resistance because He saw the

strength of Rome. Tolstoy took the same theory because the Russian autocracy seemed impregnable. Darrow follows them in theory because he believes that in a trial of strength the workers would inevitably be worsted by their masters. Once more we see, this time by Darrow's confession, that the philosophy of non-resistance is the philosophy of despair.

I believe in resistance. To me the hope of the workers lies in the successful issue of the class struggle. Not the despairing Tolstoy but the courageous Marx has grasped the principles which will carry the workers to their desired goal.

The weakness of the working class is apparent rather than real. What the workers lack is not strength but intelligence. The worker builds the

cities, runs the locomotive and the steamship, maintains industry and thereby feeds, clothes and houses the inhabitants of the globe. Like Atlas, he carries the world on his shoulders. His strength is moreover steadily increasing. The capitalist class on the other hand is degenerating. The great capitalists were in many respects great men; but when their sons realize that they are beyond economic want by reason of papa's millions any strength or character that might have been forming oozes away and they become "stage-door Johnnies." The workers in the final struggle will not measure blades with the real organizers of industry but with their purely parasitic, hare-brained and nerveless descendants.

Social evolution is paving the way

for a new social order, an order in which there shall be no state because there will be no subject class to be kept down. That new order will owe its birth to the long travail of the working class; it will mark the culmination of a long story of resistance to the evils of class oppression. Then shall we close the first book of the history of the human race, a book saturated with the blood and tears of the workers of a thousand generations; we shall open a new volume and begin to write the first chapter of human liberty.

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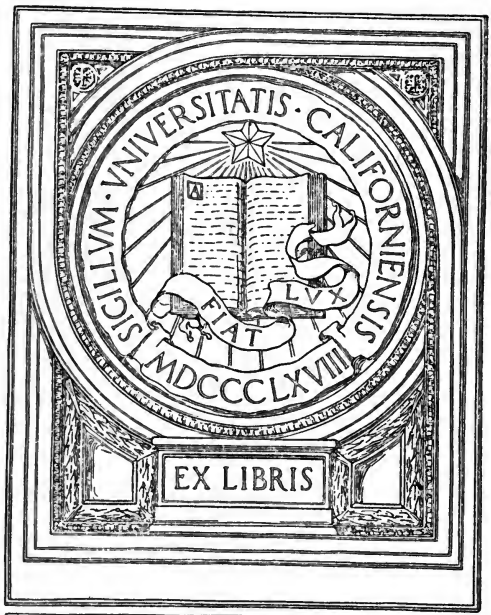
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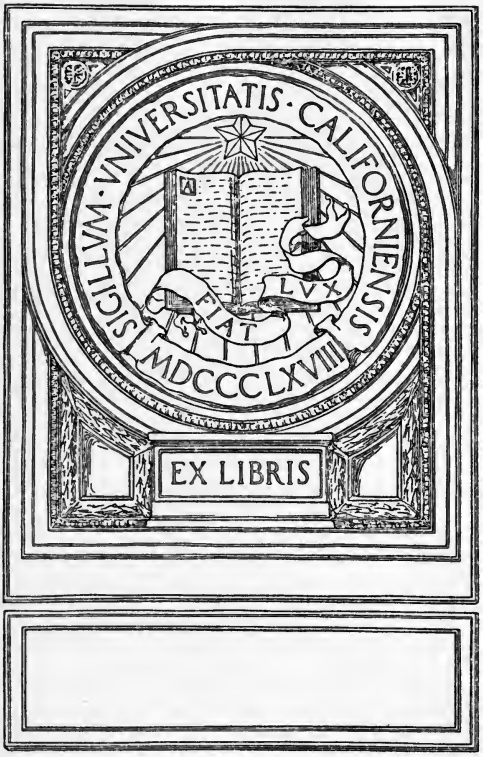
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A PERSIAN PEARL

A PERSIAN PEARL

AND OTHER ESSAYS

BY

CLARENCE S. DARROW

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A·PERSIAN·PEARL

A PERSIAN PEARL

THE reader and observer is constantly reminded that "there is nothing new under the sun." We no sooner find some rare gem of thought or expression than we discover that it is only an old diamond, polished anew, perhaps, and offered as an original stone. Neither the reader nor the writer is always aware that the gem is antique and the setting alone is new.

The rich mine where the treasure was first found was exhausted in a few brief years, and then became like all the dust of all the worlds; but the gem polished and worn by time and use, ever sparkles and shines, regardless of the fact that the miner's name is forgotten and his work alone remains. Thus Nature, the great communist, provides that the treasures of genius, like her own bountiful gifts of sunlight, rain and air, shall remain the common property of all her children while any dwell upon the earth.

Current literature seems to point to the ascendancy of what is often termed the "pessimistic school." In one sense this

philosophy uncrowns man and places him in his proper relation to the great universe, of which he is so small a part; but while it makes less of man, it expects less from him, and covers his deeds with that cloak of charity, which is the legitimate garment of the great Unknown. But these modern reflections on life and its problems, its purposes and lessons, are far from new. Without venturing a guess as to their origin or age, we take up that old Persian Pearl,—the "Rubaiyat," and find on its musty pages the great thoughts and searching questions, which have ever returned to man since the intellect was born, and which will still remain unanswered when the last word shall have been spoken, and the race have run its course.

It is nearly eight hundred years since Omar Khayyam, the Persian astronomer, philosopher, and poet, mused and wrote upon the uncertainty of life, the eternity of time and the mutability of human things. Since the rose bush was planted above his grave, the material world has been almost made anew. Art and literature have given countless treasures to the earth, and science has solved its mysteries without end. But the riddles of existence—the problems of life,

the deep heart of the universe, the cause and purpose and end of all, are mysteries as dark and inscrutable as they were eight centuries ago. To quote from the Rubaiyat:

> There was the Door to which I found no Key;
> There was the Veil thro' which I could not see:
> Some little talk awhile of Me and Thee
> There was—and then no more of Thee and Me.

As Egypt is the newest country visited by the traveler, so this old book, burnished by the genius of FitzGerald, comes to us as the latest and profoundest word upon the infinite mysteries which over-shadow human life. It seems to be the last word, rather than one of the first, spoken to the perplexed soul of man, calling him from the vain pursuit of vanities, and asking what all of it is about.

To an egoistic, boasting age and nation, this message, coming from a far off time and a distant land, reminds us that all wisdom is garnered neither now nor here. This Persian Pearl remained unpolished for more than seven hundred years. It was left for Edward FitzGerald carefully and patiently to burnish up the gem, and make it the thing of beauty that we know.

It may be that research and study would

reveal much of the personal traits and private life of the great Persian philosopher, whose fame has so outlived his clay, but with these we can have no concern. It is not important to know his parents, or whether he had a wife or children, or cattle or lands. All of these are gone and only his work remains. True, we cannot but reflect on the personality of the poet in whose brain these great thoughts were born, but we can know the man only by knowing his works. Some there are who stand at a distance and view the acts of the imperfect beings, who at the best stumble and grope along the uncertain path between the cradle and the grave. All the footsteps that are straight and true are unnoticed as they pass by, but the irregular, uncertain, shifting tracks stand out alone to mark the character of the pilgrim, who bore his heavy load the best he could. These forget that every son of man travels an unbeaten path—a road beset with dangers and temptations that no other wanderer met; that his footsteps can be judged only in the full knowledge of the strength and light he had, the burden that he carried, the obstacles and temptations that he met, and a thorough knowledge of every open and secret motive that impelled him here or there.

That Omar's steps were often winding and devious, and like those of all other mortal men, we gather from his words. No doubt his neighbors delighted in gossiping about the great philosopher, and his reputation was often tarnished by their idle words. These slanderers have been long forgotten —they could not live upon the great name they sullied, and we should not even know he was their prey except for lines like these:

> Indeed the Idols I have loved so long
> Have done my credit in Men's eyes much wrong;
> Have drown'd my Glory in a shallow Cup,
> And sold my reputation for a Song.

Eight hundred years ago, as to-day, the love of wine was one of the chief weaknesses of the flesh. Doubtless the other frailties of human nature are of substantially the same kind as eight centuries ago, for while man may change the fashion of his garment or religion, nature is ever consistent and persistent, and is the same yesterday, to-day and forever. But our old human philosopher, like our modern human men, saw the folly of his ways, and made many a brave resolve, but these good intentions and solemn purposes melted in the sunshine then the same as now.

Indeed, indeed, Repentance oft before
I swore—but was I sober when I swore?
And then and then came Spring, and Rose-in-hand
My thread-bare Penitence apieces tore.

But Omar was greater than most of the weak and sinning children of to-day. His own frailties taught him the rare lesson, that of all the virtues, charity is the chiefest! And as we read the wondrous product of his brain and understand the thoughts that stirred his being, we can know the man better than his neighbors who judged a great soul by the narrow vision of sordid minds. We know that his purpose was lofty, and above all the mists and conflicting emotions and desires of his life he rose majestic and supreme, unsullied by the specks that can only mar the weak. Let us turn then to the philosophy and poetry of this great soul to know the man, and as figs are not gathered of thistles, we may be sure that broad thoughts, high aspirations, and tender charity are born only of great minds and rare men.

To Omar Khayyam, the so-called sins of men were not crimes, but weaknesses inherent in their being and beyond their power to prevent or overcome. He knew that man could not separate himself from all the rest

of nature; and that the rules and conditions of his being were as fixed and absolute as the revolutions of the planets and the changing seasons of the year. Above man and his works he saw the heavy hand of destiny, ever guiding and controlling, ever moving its creature forward to the inevitable fate that all the centuries had placed in store for the helpless captive, marching shackled to the block.

There have ever been two views of life. Both philosophies have been made by man and mostly for him. One places him above all the rest of the universe, whose infinite mysteries are constantly revolving and changing before his hazy, wondering gaze. The portion of the world that comes nearest to his eyes he cannot understand, and his own existence is a riddle that all the ages have not solved. And yet, amidst it all, one system teaches that man rules supreme,—and the fate of all the worlds, or of all that may exist thereon, has no relation to his own. The other peers into the thick darkness that hangs above, and can see no light, it does not understand and will not guess; the endless mysteries are not for mortal man to solve. Its devotees feel themselves part of a mighty whole, and are powerless

to separate their lives from all the rest, and would not dare to undertake it if they could. They know that in the great, unlimited universe they are less than the tiniest bubble in the wildest, angriest sea. That in the words of the Rubaiyat:

> We are no other than a moving row
> Of magic Shadow-shapes that come and go
> Round with this Sun-illumined Lantern held
> In Midnight by the Master of the Show.

Omar Khayyam was probably not the first, certainly not the last, to feel the impotence of man in the great power which animates the whole. He could have no faith in the cruel religious tenets, which eight centuries ago in Persia, as ever since in the Christian world, have taught the responsibility of the helpless victim for the great, blind work in which he had no part. He seemed to think that back of all the universe, some intelligent power moved and controlled the world for some purpose unknown to all except himself, but he could not think that man was in any way accountable for the whole. To him, the great master sent us here or there to suit his will, and it was left for us only to obey his mighty power. The individual units of humanity were to him only:

Impotent Pieces of the Game He plays
Upon this checker-board of Nights and Days;
Hither and thither moves, and checks, and slays,
And one by one back in the Closet lays.

Even this does not sufficiently express his thought of man's absolute irresponsibility for his acts.

We have all met the parallel drawn between man and the pottery fashioned by the moulder from the clay. Perhaps there is no better illustration of the helplessness of the human being in the hands of the power that fashioned and shaped him, even ages before his birth,—the uncontrollable force that determined the length of his body, the color of his hair, the size and shape of his brain and the contour of his face. But the comparison made in the beautiful stanza wrought by Omar, and retouched and gilded by the magic of FitzGerald, is wondrously powerful and fine. The poet ranges his poor pieces of pottery in line, each representing a man; each imperfect in structure or form, like all the other creatures ever made. These poor, imperfect vessels, fresh from the potter, each pleads its cause and makes excuses for its faults.

After a momentary silence spake
Some vessel of a more ungainly Make:
"They sneer at me for leaning all awry:
What! did the Hand then of the Potter shake?"

When will humanity be great enough and good enough to distinguish between the fault of the potter and the fault of the pot! When can it look over the myriads of human beings, each with his flaws and limitations, and pity instead of blame!

The history of the past is a record of man's cruel inhumanity to man; of one imperfect vessel accusing and shattering another for the faults of both. In ancient times and amongst savage tribes, the old, the infirm, and the diseased were led out and put to death; even later, the maniac and imbecile were fettered, chained, beaten, and imprisoned because they were different from other men. The world has grown a little wiser, and perhaps humaner, as the centuries have passed away. We have learned to build asylums, and treat the afflicted with tenderness and care. We have learned not to blame the dwarf for his stature; the hunchback for his load; the deaf because they cannot hear, and the blind because they cannot see. We do not expect the midget to carry the giant's load, or the cripple to triumph in a contest of speed. We establish a regulation size for policemen and soldiers, but we do not put a man to death because his stature is below the stand-

ard fixed. We forgive the size of the foot, the length of the arm, the shade of the hair, the color of the eye, and even the form of the skull. But, while we do not blame a man because he has an ill-shaped head, we punish him because the brain within conforms to the bone which molds its form. The world has made guns and swords, racks and dungeons, chains and whips, blocks and gibbets, and to these have dragged an endless procession thro' all the past. It has penned and maimed, tortured and killed, because the potter's work was imperfect and the clay was weak. During all the ages it has punished mental deformity as a crime, and without pity or regret has crushed the imperfect vessels beneath its feet. Every jail, every scaffold, every victim—is a monument to its cruelty and blind unreasoning wrath. Whether it was a fire kindled to burn a heretic in Geneva,—a gibbet erected to kill a witch in Salem,—or a scaffold made to put to death an ordinary "criminal," it has ever been the same,—the punishment of the creature for the creator's fault. There might be some excuse if man could turn from the frail, cracked vessels, and bring to trial the great potter for the imperfect work of his hand.

But we live in the shadows; we can see only the causes and effects that are the closest to our eyes. If the clouds would rise, and the sun shine bright, and our vision reach out into time and space, we might find that these cracked vessels serve as high a purpose in a great, broad scheme, as the finest clay, wrought in the most beautiful and perfect form. The following stanza was born of this philosophy and would inevitably come from the broad, charitable brain that had studied the creeds that told of the cruelty of the great Maker, but whose brain and conscience had not been stunted and warped by their palsying dogmas:

Then said a Second—"Ne'er a peevish Boy
Would break the Bowl from which he drank in joy;
And he that with his hand the Vessel made
Will surely not in after Wrath destroy."

The cruel religious dogmas, which in Omar's land and Age, as in our own, blackened both man and his Maker, had no terrors for a soul like his. He could not believe in eternal punishment. The doctrine was a slander, alike to God and man. He felt something of the greatness of a force that could permeate and move the countless worlds, which make up the limitless, unfath-

omed infinite we call the Universe. He saw in man one of the smallest and most insignificant toys created by this power to serve some unknown end; and he could not believe that the Master-Builder would demand of his imperfect children more than he had furnished them the strength to give. His faith in the justice of man's case before the great Judge is shown in the following stanza:

> Oh Thou, who didst with pitfall and with gin
> Beset the Road I was to wander in,
> Thou wilt not with Predestin'd Evil round
> Enmesh, and then impute my Fall to Sin!

But even more strongly he presents the case of God against man, and man against God, for all the crimes and miseries and sufferings of the world. It would doubtless be difficult in all the literature of the earth to find a juster, bolder statement of the old question of the responsibility for sin. To some minds, this strong expression may seem like blasphemy, but it is manly and courageous, logical and just.

> Oh, Thou, who Man of baser Earth didst make
> And ev'n with Paradise devise the Snake;
> For all the Sin wherewith the face of Man
> Is blacken'd—Man's forgiveness give—and take!

This is not the cringing prayer of the coward, who asks God's forgiveness to appease his wrath, but the utterance of a noble soul, who asks forgiveness for the shortcomings of his life, and at the same time pardons his Maker for creating him as he did. The world has heard much of man's duty to God, of the responsibility which the unconsulted, fragile children of a day owe to the power that is responsible for all. It is time we heard more of the duty of God to man; the responsibility of the Creator for making "conscious something" out of unthinking, unfeeling clay.

"Oh, many a cup of this forbidden Wine
Must drown the memory of that insolence!"

The world has talked the same nonsense of the duty of children to parents. It has taught this, because parents are larger, and have the brute power to compel obedience to their demands. All the duties are from parents to children,—from those who thoughtlessly, wantonly, to satisfy their own desires, call into conscious being a human life,—send another soul with all its responsibilities out on the great, wide sea, to be tossed and buffeted and torn, until, mangled and dead, it is thrown out upon the sands to bleach.

But after all, whether it was wise or unwise, just or unjust, we have been placed upon the earth as sentient beings and charged with the responsibilities of life; and practical philosophy asks the question, what does it mean, and how shall we take the journey which a higher power has decreed that we shall make?

The poet and the dreamer and the copy book have told us much of the meaning of life. We often repeat these lessons to make ourselves believe them true. When we feel a doubt casting its shadow across our path, we read them once again to drive the doubt away; and yet, in spite of all, we know absolutely nothing of the scheme, or whether there is any kind of plan. We are only whistlers passing through a graveyard, with our ears tied close and our eyes shut fast. It would surely be as well to step boldly up and read the inscription on the marble tomb and then walk round and look at the vacant, grinning space upon the other side, calmly waiting to record our name.

Measured by the philosophy of to-day, Omar Khayyam was a pessimist; he was not gifted with second sight. He saw no spooks and ghosts, and he would not look out into the midnight, and declare that his eyes dis-

cerned a glorious rainbow, bright with fresh colors and unbounded hopes. All the proud promises and brave assumptions and false theories of the world were to him a mockery and a sham. The mysticisms of religion and philosophy alike were hollow and bare. The "jarring sects" and quibbling doctors, with their fine-spun webs, were worthy the attention only of children and professors. This is the way he put them down:

> Myself when young did eagerly frequent
> Doctor and Saint, and heard great argument
> About it and about; but evermore
> Came out by the same door wherein I went.

While it is true that in the common meaning Omar was a pessimist, still this word, like many others, is rarely well defined. All men understand the uncertainties of life, the disappointments and troubles of existence, and the infinitesimal time that is reluctantly parceled out to each mortal from the eternity that had no beginning and will have no end. The pessimist looks at all the hurry and rush, the torment and strife, the ambitions and disappointments that are the common lot, and can see no prizes so tempting as rest and peace. He makes the most of what he has, and looks contentedly for-

ward to the long sleep that brings relief at last.

Omar Khayyam was not deceived by all the glitter and bustle of the world. He saw the stage from behind the curtain, as well as from the circle before the scenes. He looked on the great surging mass of men, ever pulling and pushing, striving and trying, working and fighting, as if all eternity was theirs in which to build, and all unmindful of the silent bookkeeper, who could be deceived by no false entries, and ever remembered to demand his dues. Of life he said:

> 'Tis but a Tent where takes his one day's rest
> A Sultan to the Realm of Death addrest;
> The Sultan rises, and the dark Ferrash
> Strikes, and prepares it for another Guest.

In the presence of all that the world had to offer,—while honors and glories fell fast upon his head, he still could not close his eyes to the facts of existence, and the mortality of human things. It may be that he mused too much upon the great fact that ever sternly faces life,—the great being before whom all monarchs bow, and in whose presence all crowns are shattered. To the boasting and forgetful, these words may not be pleasant, but they still are true:

Why, all the Saints and Sages who discuss'd
Of the Two worlds so learnedly are thrust
Like foolish Prophets forth; their words to Scorn
Are scatter'd and their Mouths are stopt with Dust.

Neither the great nor the good could avoid the common fate; the unyielding messenger came alike to call the proud Sultan and the good and kindly friend.

For some we loved, the loveliest and the best
That from his Vintage rolling Time has prest,
Have drunk their Cup a Round or two before,
And one by one crept silently to rest.

Death is so common that we sometimes wonder why men make plans,—why they ever toil or spin. But, of course, we can see only the leaves that fall from other stalks. Rarely do we feel that all this has a personal meaning, and that our turn soon must come. Omar looked at the stricken friends around him, and thus mused:

Whether at Naishapur or Babylon,
Whether the Cup with sweet or bitter run,
The Wine of Life keeps oozing drop by drop,
The leaves of Life keep falling one by one.

It has never required the great or the learned to note the constant falling of the leaves and the ceaseless running of the sands. It is mainly from this that systems of religion

have been evolved. Man has ever sought to make himself believe that these things are not what they seem; that, in reality, death is only birth, and the body but a prison for the soul. This may be true, but the constant cries and pleadings of the ages have brought back no answering sound to prove that death is anything but death.

Our old philosopher could not accept these pleasing creeds on faith. He preferred to plant his feet upon the shifting doubtful sands, rather than deceive himself by alluring and delusive hopes. Upon the old question of immortality, he could answer only what he knew, and this is what he said:

> Strange, is it not? that of the myriads who
> Before us pass'd the door of Darkness through
> Not one returns to tell us of the Road
> Which to discover we must travel too.

This stanza is perhaps gloomy and hopeless, but it is thoughtful, and brave, and beautiful. We may seek to be children if we will, but whatever our desires, we cannot strangle the questions that ever rise before our minds and will not be put away. To our own souls we should be just and true. Peace and comfort, when gained at

the sacrifice of courage and integrity, are purchased at too high a price. The truth alone can make us free, and

> "One flash of it within the tavern caught
> Better than in the Temple lost outright."

Yes, one flash of the true light is better than all the creeds and dogmas. It is better, even though these hold out the fairest prospects and the brightest dreams, and the flash of true light is only the blackest midnight.

Not only would Omar take away the hope of Heaven, but he leaves us with little to boast while we live upon the earth. Our short, obscure existence is not felt or noticed in the great sweep of time and the resistless movement of the years. Along the pathway of the world we leave scarce a footprint, and our loudest voice and bravest words are as completely lost as if spoken in the presence of Niagara's roar.

> And fear not lest Existence closing your
> Account and mine, should know the like no more;
> The Eternal Saki from that Bowl has pour'd
> Millions of Bubbles like us, and will pour.

The weakness and littleness of man has been the subject of endless words before and since, but never has poet put it more strongly than here. The Eternal Saki—the

great wine pourer, tips his pitcher and turns out millions of bubbles, and still they come forever, and each of us is one.

But however brave and stoical Omar seems to be, still he feels sad when witnessing the flight of years and the ravages of time. It is, of course, useless to fight the inevitable, and the strongest will must bend and break before the weakening touch of age. Whether it is good or bad, all cling to existence, and sadly and reluctantly let go the tendrils that hold to pulsing life. The fading of Spring and youth, and the coming of Autumn with its suggestions of the approaching end, is most beautiful and touching in this marvelous book:

Yet, Ah, that Spring should vanish with the Rose!
That Youth's sweet-scented manuscript should close!
The Nightingale that in the branches sang,
Ah whence, and whither flown again, who knows!

This strain of sadness is sincere and true. To recognize the inevitable and not pretend to deceive one's self is one thing, but to think that all is just and wise and best may be quite another. Omar felt that fate was inexorable, relentless and hard.

The moving Finger writes; and having writ,
Moves on; nor all your piety nor Wit
Shall lure it back to cancel half a line,
Nor all your Tears wash out a Word of it.

He would have tempered her hardness with a little human love and tender pity, and bade the great Recorder leave much untold. He recognized the fact that the scheme could not be changed, and that even our brief existence depended upon our subservience to the great will that would neither break nor bend; but he still regretted that it was not better and kinder and more forgiving than it is. There is almost a wail in the strain of sadness in which he laments the rigor of unyielding fate.

> Would that some winged Angel ere too late
> Arrest the yet unfolded Roll of fate,
> And make the stern Recorder otherwise
> Enregister, or quite obliterate!
>
> Ah Love! could you and I with him conspire
> To grasp this sorry Scheme of Things entire,
> Would we not shatter it to bits—and then
> Re-mould it nearer to the Heart's Desire?

It is impossible to live to a moderate age without forming some idea of the conduct of life; this may be practical or theoretical, or both. But either with or without consciousness we construct some plan of life and its purpose, and our daily conduct conforms more or less closely to the theory that we accept. The religionist teaches that the hope of future rewards and punishments

must be kept before the mind, or man would give himself completely to indulgence, and the race would die. This theory loses sight of the fact that Nature herself is constantly wiping out those who defy her laws, and preserving longest those who conform to the conditions she has imposed. Excesses of all kinds destroy and weaken existence, and bring the natural penalty, which leaves only the more rational and temperate to perpetuate life upon the earth. Of course these observations apply, not to the fashions and forms and conventions of man, except so far as these conform to the unbending laws of nature, which must ever be supreme.

From Omar Khayyam's views of life, he could not but think that it was the duty of every pilgrim to get the most he could in his journey through the world. But, really, all accept this obvious fact. The Religionist says merely that man should be less happy here,—that his enjoyment may be the greater in the world to come. It is not in the theory as to life's purpose that men have differed, but as to the conduct that really brings the greatest happiness when the last balance has been struck, and the book is forever closed. Our poet could not see the days and years go by and life's sands swiftly

running out, and still postpone all enjoyment to some far off, misty time. He believed in the reality of to-day, and that beyond the present all was but a vision and a dream. In his day, as in ours, the priests held out the hope of heaven and fear of hell, to keep the wanderer in the narrow path. But Omar was a philosopher and astronomer. He peered into the infinite depths of endless space, and could see only moving, whirling worlds like ours, and could find no place for heaven or hell. What the mysteries of astronomy could not reveal, the theories of life left equally in the dark. While he refused to be moved by a literal heaven and hell, he yet felt a deep meaning attached to these old religious views. The humane, progressive thinkers of to-day have scarcely gone beyond this old seer, who lived eight centuries ago and pondered the same problems over which our theologians wrangle now. The following stanza gives an interpretation of these religious dogmas, which for beauty and breadth and insight seems to be the latest product of ethical, religious thought, instead of the musty musings of an old pagan, who has been dust almost eight hundred years:

I sent my Soul through the Invisible,
Some letter of that After-Life to spell;
And by and by my Soul returned to me,
And answer'd "I Myself am Heav'n and Hell."

If these places are but states of consciousness, it of course must follow that we make our own heaven and hell, and it is, therefore, the right and duty of each, not to wait for some dreamy mirage born of old superstition, unmanly fear, and unfounded faith, but to take the present, fleeting moment, and with it do the best we can. This stanza may seem painfully sad and hopeless, but it contains the true philosophy of life:

Ah, make the most of what we yet may spend,
Before we too into the Dust descend;
Dust unto Dust, and under Dust, to lie,
Sans Wine, sans Song, sans Singer, and—sans End!

Not only is the present the all important time, but the realities know nothing except the present. There is no moment but the one that's here,—the past is gone, the next one has not come, and he that misses the present loses all there is.

Some for the Glories of This World, and some
Sigh for the Prophet's paradise to come;
Ah, take the Cash, and let the Credit go,
Nor heed the rumble of a distant Drum!

As to how the pleasures of life are to be found, men never have agreed and never can. Our view of pleasure, like our feelings and emotions, grows from the condition

of our being, and is the result of causes that we did not create and cannot control. Some there are who look at all the strife and suffering of the world, and feel no kinship to the great, surging mass that moves and feels and thinks. These walk silently along the path alone, oblivious alike to the pleasures and the sufferings of the world around. Others there are whose souls are so sensitive that they feel the joys and sorrows of the world, and who cannot separate their lives from all the sentient, moving things that teem and swarm upon the earth. Both can and must feel those appetites and desires that are ever incident to being. Without these, nature could neither bring life upon the earth nor sustain it when it came. It is in the balancing of these feelings that nature almost necessarily makes the imperfect man. Unless the emotions and desires are sufficiently developed, the creature is cold, impassive, pulseless clay. If too much developed, it runs the risk of sacrificing the higher emotions and more lasting enjoyments to the fleeting, sensual pleasures of the hour. Almost every person must stand upon one side or the other of this shadowy line, which no man can see, and which he would have no power to cross, even if he knew where it ran.

Perhaps the Rubaiyat shows too much leaning toward the sensual; too great fondness for the vine. Some of the allusions were perhaps symbolical, but still, Omar doubtless was very fond of wine and found in its use one of the chief purposes of life. Philosophy and theology could not satisfy his mind. These furnished only visionary, inconsistent theories of existence, utterly barren and futile,—wholly purposeless and wrong. After studying and wrangling and disputing, he threw them to the winds and reached out for the realities,—however transitory and unsatisfactory these realities seemed to be. His exchange of theories and mysticisms for wine may be symbolical or not, but whether literal or figurative, he could hardly be cheated by the trade. This is the way he relates the story of his change of heart:

You know, My Friends, with what a brave Carouse
I made a Second Marriage in my house;
Divorced old barren Reason from my Bed,
And took the Daughter of the Vine to spouse.

After throwing the theoretical philosophy to the winds, he turned to the vine to learn what life really meant. No doubt, the vessel here is figuratively used. It might mean

a wine cup, it might mean feeding a beggar, it might mean a warm room and comfortable dress. It meant something besides the intangible, barren theories, which have ever furnished theologians and professors with the pleasing occupation of splitting hairs and quibbling about the meaning of terms.

> Then to the Lip of this poor earthen Urn
> I lean'd, the secret of my Life to learn;
> And Lip to Lip it murmur'd—"While you live,
> Drink!—for, once dead, you never shall return."

Neither would it do to postpone the pleasures of the wine,—time is fleeting, and every hour may be the last. Life has no space for resolutions or regrets. These only rob existence of a portion of the poor prizes that she stingily scatters into the ring to be fought and scrambled after by the crowd.

> Come, fill the Cup, and in the fire of Spring
> Your Winter-garment of Repentance fling;
> The Bird of Time has but a little way
> To flutter—and the Bird is on the Wing.

It is not the dainty sipping of the wine that our poet commends for the peace of the soul, but the giving up of self to the enjoyment of the hour,—the complete aban-

donment that forgets time and space and eternity, and knows only the moment that is.

> Perplext no more with Human or Divine,
> To-morrow's tangle to the winds resign,
> And lose your fingers in the tresses of
> The Cypress-slender Minister of Wine.

This stanza may mean wine,—it may mean any strong purpose, or intense emotion that takes possession of our life,—that makes us its devoted slave, anxious to dare or suffer for the privilege of enlisting in a cause. That Omar knew something of life's pleasures and realities, besides the wine he lauded, is apparent from his work. His insight was so deep that he could not be deceived by the tinsel and glitter and trappings that make up the vain show with which men deceive others, and attempt to beguile themselves. In Persia eight hundred years ago, there were probably no twenty-story buildings, no railroads, nor street cars, nor telegraph wires; perhaps no chambers of commerce, nor banks; but no doubt these old Mohammedans had much as useless and vain and artificial as these inventions of a later day. There was then, as now, the master with all the false luxury that idleness could create in that land and time; there

was also, as to-day, the hopeless slave, whose only purpose on the earth was to minister to the parasite and knave; and both of these, master and man alike, were helpless prisoners in the schemes and devices, the machinery and inventions, the worthless appendages and appliances that bound and enslaved them, and that have held the world with ever increasing strength to the present day.

But Omar knew that all of this was a delusion and a snare;—that it failed of the purpose that it meant to serve. He turned from these vanities to a simpler, saner life, and found the sweetest and most lasting pleasures close to the heart of that great nature, to which man must return from all his devious wanderings, like the lost child that comes back to its mother's breast. What simpler and higher happiness has all the artificial civilization of the world been able to create than this:

> A Book of Verses underneath the bough,
> A Jug of Wine, a Loaf of Bread and Thou
> Beside me singing in the Wilderness—
> Oh, Wilderness were Paradise enow.

It is these bright spots in life's desert that make us long to stay. These hours of friendship and close companionship of congenial souls that seem the only pleasures

that are real, and from which no regrets can come. It is away from the bustle and glare of the world, above its petty strifes, and its cruel taunts, in the quiet and trust of true comradeship, that we forget the evil and fall in love with life. And our old philosopher, with all his pessimism, with all his doubts and disappointments, knew that here was the greatest peace and happiness that weary, mortal man could know. In the presence of the friends he loved, and the comradeship of congenial lives, he could not but regret the march of time and the flight of years, which heralded the coming of the end. Poor Omar was like all the rest that ever lived—he looked forward into the dark, unknown sea, and shuddered as he felt the rising water on his feet.

All of us know how small and worthless are our lives when measured by the infinite bubbles poured out by the great creative power. All know that we shall quickly sink into the great dark sea and the waves will close above us as if we had not been. And yet we do not really think of the world as moving on the same when we have spoken our last lines and retired behind the scenes. To the world we are little,—to ourselves we are all. We almost hope that for a time at

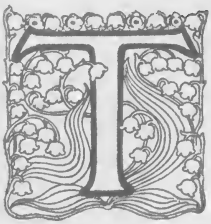
least we shall be missed,—that some souls shall sorrow and some lives feel pain. We hope that here and there some pilgrim will tell of a burden that we helped him bear, or a road we tried to smooth. That sometime when the merry feast is on, a former friend shall feel a momentary shadow rest upon his heart at the thought of the face he used to know and the voice that now is still. Thus Omar and FitzGerald mused and hoped and told in beautiful, pathetic lines:

Yon rising Moon that looks for us again—
How oft hereafter will she wax and wane;
  How oft hereafter rising look for us
Through this same Garden—and for one in vain!

And when like her, O Saki, you shall pass
Among the Guests Star-scatter'd on the Grass,
  And in your blissful errand reach the spot
Where I made one—turn down an empty Glass!

WALT WHITMAN

WALT WHITMAN



HE work of Whitman stands alone in the literature of the world. Both in substance and construction he ignored all precedents and dared to be himself. All the rules of form and taste must be unlearned before the world can accept his style as true literary art. Still it may be that Walt Whitman was a poet, and that sometime the world will look back and marvel at the mechanical precision and glittering polish that confines and emasculates for the sake of a purely artificial form.

Measured by the common rules, Whitman's work is neither poetry nor prose; it is remotely allied to the wild chanting of the primitive bards, who looked about at the fresh new marvels of earth and sky and sea, and unhampered by forms and rules and customs, sang of the miracles of the universe and the mysteries of life. Whitman seems one of those old bards, fresh from the hand of nature, young with the first creation, the newest handwork of the great Master, untaught in any schools, unfettered by any of the myriad chords, which time is ever weaving about the brains and

hearts and consciences of men as the world grows gray; a primitive bard of nature, born by some chance or accident in this old, tired, worn-out world, dropped into this Nineteenth century with its machines and conventions, its artificial life, its unnatural morals and its fettered limbs. He alone in all the ages seems to have been specially given to the world, still fresh with the imprint of the Creator's hand, and standing amid all our false conventions, natural, simple, true, "naked and not ashamed." To the world with its crowded cities, its diseased bodies, its unnatural desires, its narrow religion, and its false morals, he comes like a breeze of the morning, from the mountains or the sea. Aye, like a breath of that great, creative life, which touched the fresh world and brought forth the green grass, the sparkling waters and the growing, beauteous, natural earth.

No one ever fell in love with Whitman's work for its literary art, but his work must live or die because of his philosophy of life and the material he chose from which to weave his songs. It is in his whole point of view that Walt Whitman stands so much alone. No one else has ever looked on the universe and life as this man did. If reli-

gion means devotion to that great unseen power that is ever manifest in all of nature's works, then Walt Whitman was the most reverent soul that ever lived. This man alone of all the world dared defend the Creator in every part and parcel of his work. The high mountains, the deep valleys, the broad plains and the wide seas; the feelings, the desires, and the passions of man; all forms of life and being that exist upon the earth, were to him but several manifestations of a great creative power that formed them all alike, made each one needful to the whole, and every portion sacred through its Master's stamp.

And I will show that there is no imperfection in the present and can be none in the future,
And I will show that whatever happens to anybody it may be turn'd to beautiful results,
And I will show that nothing can happen more beautiful than death.

And I will thread a thread through my poems that time and events are compact,
And that all the things of the universe are perfect miracles, each as profound as any.
I will not make poems with reference to parts.
But I will make poems, songs, thoughts, with reference to ensemble,
And I will not sing with reference to a day, but with reference to all days.

Whitman's philosophy knew no evil and no wrong. The fact of existence proved the right of existence; in the great workshop of nature every tool had its special use and its rightful place.

The imperfections of the world come from the narrow visions of men. If the perspective is right, the universe is right. From the narrow valley the house may look old and worn, the fences decayed, the fields barren, the woods scraggy and the cliff ragged and bare; but climb to the only place where either life or landscape can be rightly seen, the mountain top, and look once more. The hills, the valley, the stream, the woods, and the farms have melted and blended into one harmonious whole, and every imperfection has been swept away. The universe is filled with myriad worlds as important as our own, each one a tiny floating speck in an endless sea of space—each whirling, turning, moving on and on and on, through the countless ages, past and yet to come. No one can tell the purpose of their tireless, endless flight through space; but still we know that each has an orbit of its own, and every world is related to the rest, and every grain of sand and the weakest, feeblest spark of power has

its needful place in the balance of the whole. So all of good, and all of bad, and all of life, and all of death, and all of all, has the right to be and must needs be. Walt Whitman did not even know how to divide the evil from the good, but he sang them both alike.

I am not the poet of goodness only, I do not decline to be the poet of wickedness also.
What blurt is this about virtue and about vice?
Evil propels me and reform of evil propels me, I stand indifferent.

The universe can make no mistakes, every particle of energy that has permeated the world since time began, has been working toward a completer system and a more harmonious whole. There is a soul of truth in error; there is a soul of good in evil. From the trials and sorrows and disappointments of life, even from its bitterness and doubt and sin, are often born the holiest desires, the sincerest endeavors and the most righteous deeds.

Sometimes with one I love I fill myself with rage for fear I effuse unreturn'd love,
But now I think there is no unreturn'd love, the pay is certain one way or another,
(I loved a certain person ardently and my love was not return'd,
Yet out of that I have written these songs.)

This is the old, old philosophy, ever forgotten, yet ever present. It is sure in the world of mechanics, it is equally true in the world of morals and of life. Nothing is lost; the force that once was heat is transformed to light; the flood that destroyed the grain, comes at last to turn the miller's wheel. What we call sin and evil make the experiences of life and go to the upbuilding of character and the development of man. We can know only what we have felt, and however much we try to deceive others, we can tell only of the experiences we ourselves have had. The poorest life is the one that has no tale to tell. In the doubts and darkness of life, in the turbulence of mind and the anguish of the soul, it is most consoling to feel that resignation and confidence which comes from a realization that all is right and that you are master of yourself and at peace with God and man. This calm, optimistic, self-reliant philosophy is ever present with its consoling power in all Walt Whitman's work.

I have said that the soul is not more than the body,
And I have said that the body is not more than the soul,
And nothing, not God, is greater to one than one's self is,
And whoever walks a furlong without sympathy walks to his own funeral drest in his shroud,

And I or you pocketless of a dime may purchase the pick of the earth,
And to glance with an eye or show a bean in its pod confounds the learning of all times,
And there is no object so soft but it makes a hub for the wheel'd universe,
And I say to any man or woman, Let your soul stand cool and composed before a million universes.

And I say to mankind, Be not curious about God,
For I who am curious about each, am not curious about God,
(No array of terms can say how much I am at peace about God and about death).

I hear and behold God in every object, yet understand God not in the least,
Nor do I understand who there can be more wonderful than myself.

Why should I wish to see God better than this day?
I see something of God each hour of the twenty-four and each moment then,
In the faces of men and women I see God, and in my own face in the glass,
I find letters from God dropt in the street, and every one is sign'd by God's name,
And I leave them where they are, for I know that wherever I go,
Others will punctually come for ever and ever.

This is not the boasting of the ignorant egotist who vaunts himself above his fellow man, but the calm, conscious serenity of a great soul, who has learned the patient philosophy of life.

There is an egotism that is cheap and vulgar and born of ignorance alone. There is an egotism that comes from the knowledge that after all what we are depends not upon the estimate of the world, but upon the integrity and character of ourselves. This consciousness of individual worth brings that peace of soul, "which the world can neither give nor take away."

I know I am august,
I do not trouble my spirit to vindicate itself or be understood,
I see that the elementary laws never apologize,
(I reckon I behave no prouder than the level I plant my house by, after all),
I exist as I am, that is enough,
If no other in the world be aware I sit content.

One world is aware and by far the largest to me, and that is myself;
And whether I come to my own to-day or in ten thousand or ten million years,
I can cheerfully take it now, or with equal cheerfulness I can wait.

My foothold is tennon'd and mortis'd in granite,
I laugh at what you call dissolution,
And I know the amplitude of time.

Happy is the man that has climbed to the height on which Walt Whitman stood. Happy is he that has mastered the haste and

impatience of youth, and is content to bide his time. Happy is he that has so far solved the problem of life as to know that reward is not received from others and cannot be withheld by others, but can be given only by ourselves. Such a man has struck the subtle harmony which unites his soul with the universal life and he knows that no one but himself can cut the cord.

To a great mass of men and women, Walt Whitman is known almost alone by that portion of his work called "Children of Adam." These poems have called forth the fiercest opposition and the bitterest denunciation, and if the common judgment is correct, they are obscene and vile. While this portion of his book is by far the smallest part, still, before the court of public opinion, he must stand or fall upon these lines. In one sense public opinion is right, for unless these stanzas can be defended, his point of view is wrong, and Walt Whitman's work will die. We need not accept all he did, or give unstinted praise to all his work, but his scheme is consistent in every portion of his thought, and his point of view will determine the place he shall fill in art and life.

It is in this work that the courage and per-

sonality of Whitman towers so high above every other man that ever wrote. It is easy for the essayist to speak in general terms and glittering phrases in defense of Whitman's work. His defenders have been many, but he alone has had the courage to speak.

It is not difficult to insist that his "A Woman Waits for Me" is a tremendous work, and as pure as nature's generating power. Still perhaps few would dare to read it aloud in an assembly of men and women. If Whitman is right, the world is wrong. This poem, and others of its like, in plain words deals of the deepest, strongest, most persistent feelings that move the sentient world. In proportion as they are deeper and stronger than any other, they should the more be the subject of thought and art. And still ages of established convention have made the world pretend ignorance until no one dares defend his right to life but this brave and simple man.

In both England and America, narrow interpretations of morality have almost stifled art. As remarked by a leading novelist—"All our literature is addressed to the young school girl." If it will not pass muster before her eyes, it has no right to live, and al-

most no English or American author has been great enough to rise above these narrow conventions and write the natural and true. The artists of continental Europe have been less fettered and have taken us over a broader range and a wider field. Still while these authors have told more of life, they have treated these tremendous subjects by drawing the curtain only a little way aside, and giving us a curious, perverted, half stolen look, as if they knew that the picture was unholy and therefore tempting to the gaze. But Walt Whitman approached the human body and the mysteries of life from an entirely different view.

If anything is sacred, the human body is sacred,
And the glory and sweet of man is the token of manhood untainted,
And in man or woman a clean, strong, firm-fibred body, is more beautiful than the most beautiful face.

If Walt Whitman could have drawn the veil from the universe and shown us the living God in all his majesty and power, he would have approached his throne with no greater reverence than when he stripped the human body and pointed to its every part fresh and sacred from its Maker's hand.

No true system of life and morals will ex-

ist until the holiest feelings and most potent and eternal power is openly recognized and discussed with neither jest nor shame.

Walt Whitman was the great bard of democracy and equality; not simply the vulgar democracy of political rights and promiscuous familiarity, but the deep, broad, fundamental democracy that looks at all of nature and feels the unity and kinship that makes the universe a whole.

To Walt Whitman there could be no thought of class or caste. Each one held his certificate of birth from the same infinite power that, through all the ages and all the false and criminal distinctions of man, has yet decreed that all shall enter helpless and naked through the same gateway of birth, and each alike must go back to the fundamental mother, shorn of every distinction that man in his vain-glorious pride has sought to make. Whitman placed the works of nature above the works of man. He had no faith in those laws and institutions which the world has ever made to defraud, and enslave, and deny the common brotherhood of all. He believed that every child that came upon the earth was legitimate, and had an equal right to land, and sea, and air, and all that nature made, and all that nature gave.

Each of us is inevitable,
Each of us limitless—each of us with his or her right upon the earth,
Each of us allow'd the eternal purports of the earth,
Each of us here as divinely as any is here.

Let this stanza speak to our conscience face to face—is it true or false? Can any but a blasphemer deny the divine right of every man upon the earth? And yet if this simple stanza is true, every law book should be burned and every court abolished and natural justice, unfettered and undenied, should be enthroned above the forms and conventions and laws, which, each and all, deny the integrity of the soul and the equal rights of man.

Through all the injustice and inequality of the world, the vision of democracy has still prevailed and ever must prevail as long as nature brings forth and takes back the master and the slave alike. But the aspiration for democracy is not always high and noble. It is easy to demand for ourselves the same rights enjoyed by our fellow men, but Whitman's democracy was on a higher plane.

I speak the pass-word primeval, I give the sign of democracys
By God! I will accept nothing which all cannot have their counterpart of on the same terms.

These lines breathe the spirit of true humanity, the spirit that will one day remove all barriers and restrictions, and liberate the high and low alike. For nothing is truer in life or more inevitable in the economy of nature than this sage thought:

> Whatever degrades another degrades me,
> And whatever is done or said returns at last to me.

It is a sad mistake to believe that injustice and wrong can injure only the poor and the weak. Every mean word and narrow thought and selfish act degrades the aggressor, leaves its mark upon his soul and its penalty in his life. So, too, no good effort is really lost, however it may seem to be. The kind word may be spoken to the deaf, the righteous effort be wrongly directed, the alms unworthily bestowed, but the heart that feels and the soul that tries has grown greater by the act.

The song is to the singer, and comes back most to him,
The teaching is to the teacher, and comes back most to him,
The murder is to the murderer, and comes back most to him,
The theft is to the thief, and comes back most to him,
The love is to the lover, and comes back most to him,
The gift is to the giver, and comes back most to him,—it cannot fail,

The oration is to the orator, the acting is to the actor
and actress, not to the audience,
And no man understands any greatness or goodness but
his own, or the indication of his own.

Not alone in his theory of personal equality was Walt Whitman a democrat in the highest meaning of the term, but he distrusted the ease and effeminacy of modern life; he doubted and feared the polish and super-sensitiveness that precedes decay; he had no faith in hot-house plants, in pampered life, in luxury and repose. He believed in rugged, primeval nature, in the rocks and hills, the rivers and the pines; he loved the dumb and patient brute, and believed in stalwart men and strong women; in sunlight, rain and air.

I am enamour'd of growing out of doors,
Of men that live among cattle or taste of the ocean or
woods,
Of the builders and steerers of ships and the wielders
of axes and mauls, and the drivers of horses,
I can eat and sleep with them week in and week out.
I think I could turn and live with animals, they are so
placid and self-contain'd,
I stand and look at them and long and long.

They do not sweat and whine about their condition,
They do not lie awake in the dark and weep for their
sins,
They do not make me sick discussing their duty to God,

Not one is dissatisfied, not one is demented with the mania of owning things,
Not one kneels to another, nor to his kind that lived thousands of years ago,
Not one is respectable or unhappy over the whole earth.

Walt Whitman's work is not of the old, time-worn sort. When he speaks of love it is the love of life, the love of reality, the strong love of men, the intense love of women, the honest love that nature made, the love that is; not the unhealthy, immoral, false, impossible love told in erotic prose and more erotic verse, and given to young girls and boys as the truth, to poison and corrupt with its false and vicious views of life.

But he sings of the common things, the democracy of every day; for it is the small affairs that make up life, and its true philosophy is to see the beauty and greatness and relation of these little things and not to pine for the seemingly momentous events, which can rarely come. The Alexanders, the Cæsars and the Napoleons are scattered only here and there in the great sea of human existence, and yet every life measured by just standards may be as great as these; and the soul that is conscious of its own integrity knows its own worth regardless of the world.

I do not call one greater and one smaller,
That which fills its period and place is equal to any.

Walt Whitman felt the music of the hammer and the axe as he felt the harmony of the symphonies of Beethoven, and he understood the art of the plough-boy in the field as well as the glorious creations of Millet.

The young mechanic is closest to me, he knows me well,
The woodman that takes his axe and jug with him shall take me with him all day,
The farm-boy ploughing in the field feels good at the sound of my voice,
In vessels that sail my words sail, I go with fishermen and seamen and love them.

The soldier camp'd or upon the march is mine,
On the night ere the pending battle may seek me, and I do not fail them,
On that solemn night (it may be their last) those that know me seek me,
My face rubs to the hunter's face when he lies down alone in his blanket,
The driver thinking of me does not mind the jolt of his wagon,
The young mother and old mother comprehend me,
The girl and the wife rest the needle a moment and forget where they are,
They and all would resume what I have told them.

Walt Whitman's democracy did not end with sex. Man is not always a logical ani-

mal. Most of the practical democracy of the world has stopped with men, and generally with white men at that. The political equality of woman has only barely been considered; the still more important question, her economic independence, is yet a far-off dream. But Walt Whitman knew no limit to equality. With him equality meant equality. It could mean nothing else.

I am the poet of the woman the same as the man,
And I say it is as great to be a woman as to be a man,
And I say there is nothing greater than the mother of men.

Probably Walt Whitman would not have raised his hat to a woman on the street, nor given her his seat in the car, simply because she was a woman. Both these may be well enough, but they grow from false ideas of women and of course through these false ideas women lose the most. Injustice and oppression can never be made up by chivalry and pretended courtesy. And the evil always is and must be the false relation which these create. Men expect to pay women for their political and economic freedom in theater tickets and by taking off their hats in public, and in the end women become willing to receive this paltry and debasing bribe.

"The Open Road," one of Whitman's master-pieces, is full of wholesome inclusive democracy.

Afoot and light-hearted I take to the open road,
Healthy, free, the world before me,
The long brown path before me leading wherever I choose.

Henceforth I ask not good fortune, I myself am good fortune,
Henceforth I whimper no more, postpone no more, need nothing
Done with indoor complaints, libraries, querulous criticisms,
Strong and content I travel the open road.

The earth, that is sufficient,
I do not want the constellations any nearer,
I know they are very well where they are,
I know they suffice for those who belong to them.

Here the profound lessons of reception, nor preference nor denial,
The black with his woolly head, the felon, the diseas'd, the illiterate person, are not denied;
The birth, the hasting after the physician, the beggar's tramp, the drunkard's stagger, the laughing party of mechanics,
The escaped youth, the rich person's carriage, the fop, the eloping couple,
The early market men, the hearse, the moving of furniture into the town, the return back from the town,
They pass, I also pass, anything passes, none can be interdicted,
None but are accepted, none but shall be dear to me.

But Walt Whitman's democracy was more inclusive still. It is almost becoming the fad to forgive the evil in others and to insist that, after all, their good qualities give them the right to kinship with ourselves, but this is only one side of true democracy. The felon is my brother, not alone because he has every element of good that I so well recognize in myself, but because I have every element of evil that I see in him. Walt Whitman was wise enough to see the feelings and passions that make others sin, and he was just enough and great enough to recognize all these feelings in himself.

You felons on trial in courts,
You convicts in prison-cells, you sentenced assassins chain'd and handcuff'd with iron,
Who am I too that I am not on trial or in prison?
Me, ruthless and devilish as any, that my wrists are not chain'd with iron, or my ankles with iron?

You prostitutes flaunting over the pavements or obscene in your rooms,
Who am I that I should call you more obscene than myself?
O culpable! I acknowledge—I expose!
(O admirers, praise not me—compliment not me—you make me wince,
I see what you do not—I know what you do not.)
Inside these breast-bones I lie smutch'd and choked,
Beneath this face that appears so impassive hell's tides continually run,

Lusts and wickedness are acceptable to me,
I walk with delinquents with passionate love,
I feel I am of them—I belong to those convicts and prostitutes myself,
And henceforth I will not deny them—for how can I deny myself?

These lines are not a burst of poetic feeling, they are the sincere utterances of a brave philosopher and poet, who tells the truth about himself and about you and me. Let us be honest about sin. How do you and I differ from the murderer on the gallows, the prostitute in the street or the burglar in the jail? How wide a breach is there between coveting the house or home or seal skin coat of your neighbor and taking it if you can? How great a difference between making a sharp trade with your neighbor, getting more from him than you give to him, and taking outright what he has? Yet one is business, the other larceny. What is the distance between hating your neighbor, and wishing him dead: how great a chasm between feeling relief at his death, and killing him yourself? So far as the man is concerned, it is not the act that is evil, but the heart that is evil. There is no difference between the committed and the uncommitted crime. Every feeling that makes

every sort of crime is in the heart of each and every one. Nature has made the blood of some of us a little cooler, and has developed caution a little more, or fate has made the temptation a trifle less, and thus we have escaped,—that is, managed to conceal the real passion that boils and surges in our hearts. Until this is dead, evil is in our souls. Away with all this talk of superiority and differences. It is cant—pure, simple cant.

I will play a part no longer, why should I exile myself
from my companions?
O you shunn'd persons, I at least do not shun you,
I come forthwith in your midst, I will be your poet,
I will be more to you than to any of the rest.

Has man the right to be less kind than nature is? Have we the right by word or deed to pass judgment on our fellow man? Can we not learn of love and charity and hope from the sun, the rain, the generous earth, and the pulsing, growing spring? Hear Walt Whitman's word to a common prostitute:

Be composed—be at ease with me—I am Walt Whitman, liberal and lusty as Nature,
Not till the sun excludes you do I exclude you,
Not till the waters refuse to glisten for you and the leaves to rustle for you do my words refuse to glisten and rustle for you.

Neither was it the magnanimous soul of Whitman that was charitable and kind, but it was the truthful, honest man who saw his own goodness in the woman; and her sin, which after all was only an excess of kindness, in himself.

The regenerated world will be built upon the democracy Walt Whitman taught. It will know neither rich nor poor; neither high nor low; neither good nor bad; neither right nor wrong; but

I will establish * * * in every city of these states inland and seaboard,
In the fields and woods, and above every keel, little or large, that dents the water,
Without edifices or rules or trustees or any argument,
The institution of the dear love of comrades.

Walt Whitman was always and at all times an optimist. He never struck a despairing note or voiced a doubting strain. His hope was not anchored in blind faith or narrow creed. His optimism was not that of the cowardly fanatic who stubbornly shuts his eyes to avoid an unpleasant view. He looked abroad at all the world and called it good.

Optimism and pessimism in their last analysis are questions of temperament. They depend upon the eye that looks out, not upon the object that it sees. The pessimist

points to the sunset, casting its lengthening shadows on the earth, and tells of the night that is coming on; the optimist shows us the rosy dawn, the golden promise of a glorious day. The pessimist tells of winter, whose icy breath chills and deadens all the world; the optimist points to springtime with its ever recurring miracle of light and life. Is the pessimist right or is the optimist right—does the night precede the day, or the day precede the night? After all, are our calendars wrong—does the winter with its white shroud and cold face mark the ending of the year, or does the springtime with its budding life and its resurrecting power awaken the dead earth to joyous, pulsing life again?

Above the view of the optimist, who sees the morning and the spring, and the pessimist, who sees the evening and the closing year, stand a few serene souls, who look on both with clear eye and tranquil mind, and declare that all is good. The morning is right and the evening is right. It is beautiful to pass through the joyous gates of birth; it is good to be clasped in the peaceful arms of death. Rare Walt Whitman at thirty-seven, full of health and vigor and strength, with the world before him, and conscious of

his genius and his power, sings in a burst of optimism:

I celebrate myself, and sing myself,
And what I assume you shall assume,
For every atom belonging to me as good belongs to you.

I loafe and invite my soul,
I lean and loafe at my ease, observing a spear of summer grass.

My tongue, every atom of my blood, form'd from this soil, this air,
Born of parents born here from parents the same, and their parents the same,
I, now thirty-seven years old in perfect health begin,
Hoping to cease not till death.

Again at seventy, looking back on a life well spent, conscious that the last few sands are running out, a confirmed invalid with palsied limbs and failing strength, looking death squarely in the face and just before him; with the same sweet smile, the same lovely nature, the same all-embracing philosophy, sings once again his optimistic song:

Not from successful love alone,
Nor wealth, nor honor'd middle age, nor victories of politics or war;
But as life wanes, and all the turbulent passions calm,
As gorgeous, vapory, silent hues cover the evening sky,
As softness, fulness, rest, suffuse the frame, like fresher, balmier air,

As the days take on a mellower light, and the apple at last hangs really finish'd and indolent-ripe on the tree,
Then for the teeming, quietest, happiest days of all!
The brooding, blissful halcyon days!

It must be that somewhere is a serene height where life triumphs over death. It must be that nature does not jar, and that the close of a lovely life is really as peaceful and as beautiful as the decline of a perfect day; that each day rightly lived and every year well spent, must bring the pilgrim more in harmony with his journey drawing to a close.

The world has ever shuddered at death—has stubbornly closed its eyes and refused to look at the great fact that nature places all about our path; has never tried to look in its face, to take its hand, to think of its peaceful, forgiving, soothing touch; has ever called it enemy and never thought to caress it as a friend. Walt Whitman was wiser than the rest. His philosophy made him know that death was equally good, whether the opening gateway to a freer, fuller life, or a restful couch for a weary soul.

Whitman had solved the eternal riddle; he had conquered death; he looked at her pale form and saluted her as he would wel-

come a new birth. No bard ever sang a more glorious hymn than Walt Whitman sang to death.

Come, lovely and soothing Death,
Undulate round the world, serenely arriving, arriving,
In the day, in the night, to all, to each,
Sooner or later, delicate Death,
Praised be the fathomless universe
For life and joy, and for objects and knowledge curious,
And for love, sweet love—but praise! praise! praise
For the sure enwinding arms of cool, enfolding Death.
Dark Mother, always gliding near with soft feet,
Have none chanted for thee a chant of fullest welcome?
Then I chant for thee, I glorify thee above all,
I bring thee a song that when thou must indeed come, come unfalteringly,
Approach, strong deliveress,
When it is so, when thou hast taken them
I joyously sing the dead,
Lost in the loving, floating ocean of thee,
Laved in the flood of thy bliss, O Death.
From me to thee glad serenades,
Dances for thee I propose, saluting thee, adornments and feastings for thee,
And the sights of the open landscape and the high-spread sky are fitting,
And life and the fields, and the huge and thoughtful night,
The night in silence under many a star,
The ocean shore and the husky whispering wave whose voice I know,
And the soul turning to thee, O vast and well veil'd Death,
And the body gratefully nestling close to thee,

Over the tree tops I float thee a song,
Over the rising and sinking waves, over the myriad fields and the prairies wide,
Over the dense-packed cities all, and the teeming wharves, and ways,
I float this carol with joy, with joy to thee, O Death.

Whitman in his wheel chair, physically shattered and broken, but with a mind strong and serene, and at peace with all the world, waiting for the sun to set, is a lesson in optimism better than all the sermons ever preached. Without faith in any form of religion that the world has ever known, he had brought his life so in harmony with nature that he felt every beat of the great, universal heart, and with the confidence of certain knowledge he looked upon the fading earth and caroled a song as he sailed forth on that great unknown sea, which is hidden in perpetual night, from all but the few great souls, whose wisdom and insight have given them the confidence and trust of a little child.

Joy, shipmates, joy!
(Pleas'd to my soul at death I cry,)
Our life is closed, our life begins,
The long, long anchorage we leave,
The ship is clear at last, she leaps!
She swiftly courses from the shore,
Joy, shipmates, joy.

Conscious of the integrity of his purpose, and the inherent righteousness of his life, moved and upheld by his broad philosophy and his patient, trustful soul, with no false modesty and with the same manly egoism that made him what he was—the kindest, gentlest, justest, broadest, manliest man—Walt Whitman asked the reward his life had earned.

Give me the pay I have served for,
Give me to sing the song of the great Idea, take all the rest,
I have loved the earth, sun, animals, I have despised riches,
I have given alms to every one that ask'd, stood up for the stupid and crazy, devoted my income and labor to others,
Hated tyrants, argued not concerning God, had patience and indulgence toward people, taken off my hat to nothing known or unknown,
Gone freely with powerful uneducated persons and with the young, and with the mothers of families,
Read these leaves to myself in the open air, tried them by trees, stars, rivers,
Dismiss'd whatever insulted my own soul or defiled my body,
Claim'd nothing to myself which I have not carefully claim'd for others on the same terms,
Sped to the camps, and comrades found and accepted from every State,
(Upon this breast has many a dying soldier lean'd to breathe his last,

This arm, this hand, this voice, have nourish'd, rais'd, restor'd,
To life recalling many a prostrate form;)
I am willing to wait to be understood by the growth of the taste of myself,
Rejecting none, permitting all.

When man has grown simpler and saner and truer—when the fever of civilization has been subdued and the pestilence been cured; when man shall no longer deny and revile the universal mother who gave him birth, then Walt Whitman's day will come. In the clear light of that regenerated time, when the world looks back to the doubt and mist and confusion of to-day, Walt Whitman will stand alone, the greatest, truest, noblest prophet of the age, a man untainted by artificial life and unmoved by the false standards of his time. In a sodden, commercial, money-getting age, he enjoyed all the beauty of the earth without the vulgar lust to own. In a world of privilege and caste, he felt and taught the brotherhood of man and the kinship of all living things. In an age of false modesty and perverted thought, he sang the sanctity of the body with the divinity of the soul. Against the agnostic and the Christian too, he defended every part and portion of the faultless work of the creative power.

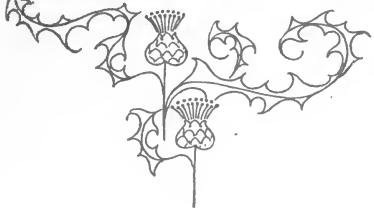
Above the doleful, doubting voice of men, through the dreariest day and darkest night, in the raging of the storm and the madness of the waves, his strong, optimistic, reassuring note was ever heard above the rest, proclaiming to the universe that all is well. He saw that in a wise economy and a great broad way, that the false was true, the evil good, the wrong was right, and that over all the universe, pervading all its teeming life, a power omnipotent, beneficent and wise, was working to uplift, conserve and purify the whole. The poor, the weak, the suffering, the outcast, the felon, all knew him for their comrade and their friend. His great, inclusive, universal heart left no soul outside, but all alike he knew, the life of all he felt, and one and all he loved. In his vocabulary were no words of bitterness and hate, and in his philosophy no right to censure or to blame. In his every deed and thought he seemed to say:

> "So I be written in the book of love,
> I have no care about that book above,
> Erase my name, or write it as you please,
> So I be written in the book of love."

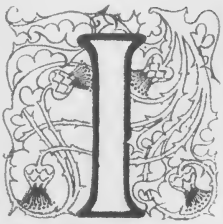
As the shadows lengthen and the daylight wanes—as the hair whitens and the passions

cool, more and more do we learn that love is the true philosophy of life; more and more do we revise the sterner judgments of our earlier years; more and more do we see that pity should take the place of blame, forgiveness of punishment, charity of justice, and hatred be replaced by love. When old familiar faces awake the memories of bygone days, often and often again do we fear that our judgments were cruel and unjust, but every deed of mercy and every act of charity and every thought of pity is like the balm of Gilead to our souls. We may none of us be wise or great, fortune may elude us and fame may never come; but however poor or weak or humble, we yet may inscribe our names in the fairest, brightest book,—the book of love, and on its sacred pages, earned by the glorious truths he taught, by his infinite,ever present love of all, upon the foremost line will be inscribed Walt Whitman's name.

ROBERT · BURNS



ROBERT BURNS.



T is difficult to account for a genius like Robert Burns. His life and work seem to defy the laws of heredity and environment alike. The beasts of the field were scarcely bound closer to the soil than were the ancestors from which he sprang; and from his early infancy he was forced to follow the stony path his father trod before. As a mere child, he learned how hard it is to sustain life in the face of an unfriendly nature and a cruel, bitter world. He was early bred to toil; not the work that gives strength and health, but the hard, constant, manual labor that degrades and embitters, deforms and twists and stunts the body and the soul alike. Burns was denied even the brief years of childhood—those few, short years upon which most of us look back from our disappointments and cares as the one bright spot in a gray and level plain.

It is not alone by the works he has left us that Robert Burns is to be truly judged. Fortune endowed him with a wondrous brain and a still rarer and greater gift—a tender, loving, universal heart; but as if she grudged him these and sought to destroy or stunt

their power, she cast his lot in a social and religious environment as hard and forbidding as the cold and sterile soil of his native land; and from these surroundings alone he was obliged to draw the warmth and color and sunshine that should have come from loving hearts, generous bounties, and bright, blue southern skies. In measuring the power and character of Robert Burns, we must remember the hard and cruel conditions of his life, and judge of his great achievements in the light of these.

The ways of destiny have ever been beyond the ken of man; now and then, at rare, long intevals, she descends upon the earth, and in her arms she bears disguised a precious gift, which she lavished upon a blind, unwilling world. She passes by the gorgeous palaces and beautiful abodes of men, and drops the treasure in a manger or a hut; she comes again to take it back from a world that knew it not and cast it out; and again, she seeks it not among the strong and great, but in the hovel of the poor, the prison pen, or perhaps upon the scaffold or the block.

Measured by the standards of our day and generation, the life of Robert Burns was a failure and mistake. He went back to the great common Mother as naked of all the

gilded trappings and baubles, which men call wealth, as when she first placed the struggling infant on its mother's breast.

Robert Burns was not a "business man"; he was not one of Dumfries' "first citizens" —in the measure of that day and this; he was one of its last if not its worst. He had no stock in a corporation and no interst in a syndicate or trust. He had neither a bank nor bank account. He never endowed a library, a museum, or a university. He was a singer of songs,—a dreamer of dreams. He was poor, improvident, intemperate, and according to the Scottish creed, immoral and irreligious. In spite of his great intellect he was doubted, neglected and despised. He died in destitution and despair; but the great light of his genius, which his neighbors could not see or comprehend, has grown brighter and clearer as the years have rolled away. A beautiful mausoleum now holds his once neglected ashes; monuments have been reared to his memory wherever worth is known and fame preserved; while millions of men and women, the greatest and the humblest of the world alike, have felt their own heart-strings moved and stirred in unison with the music of this immortal bard, whose song was the breath of Nature,—the sweetest, tender-

est melody that ever came from that rarest instrument—the devoted poet's soul.

The great masterpieces of his genius were not created in the pleasant study of a home of refinement,luxury,and ease,but were born in the fields, the farm yard, the stable; while the "monarch peasant" was bending above the humblest tasks that men pursue for bread. Only the most ordinary education was within the reach of this child of toil, and the world's great storehouses of learning, literature, and art were sealed forever from his sight; and yet, with only the rude peasants, with whom his life was spent, the narrow setting of bleak fields and grey hills, which was the small stage on which he moved, and the sterile Scotch dialect with which to paint, he stirred the hearts of men with the sweetest, highest, purest melody that has ever moved the human soul.

Olive Schreiner tells of an artist whose pictures shone with the richest, brightest glow. His admirers gazed upon the canvas and wondered where he found the colors—so much rarer than any they had ever seen before. Other artists searched the earth, but could find no tints like his; he died with the secret in his breast. And when they undressed him to put his grave-clothes on,

they found an old wound, hard and jagged above his heart; and still they wondered where he found the coloring for his work. Robert Burns, perhaps more than any other man who ever lived, taught the great truth that poets are not made but born; that the richest literature, the brightest gems of art, even the most pleasing earthly prospects are less than one spark of the divine fire, which alone can kindle the true light. Robert Burns like all great artists, taught the world that the beauty of the landscape, and the grandeur and pathos of life depend, not upon the external objects that nature has chanced to place before our view, but upon the soul of the artist, which alone can really see and interpret the manifold works of the great author, beside which all human effort is so poor and weak.

Millet looked at the French peasants standing in their wooden shoes, digging potatoes from the earth and pausing to bow reverently at the sounding of the Angelus, and saw in this simple life, so close to Nature's heart, more beauty and pathos and poetry than all the glittering courts of Europe could produce. And Robert Burns, whose broad mind and sympathetic soul made him kin to all living things, had no

need to see the splendor and gaiety of wealth and power, to visit foreign shores and unknown lands; but the flowers, the heather, the daisies, the bleak fields, the pelting rains, the singing birds, the lowing cattle, and above all, the simple country folk seen through his eyes, and felt by his soul, and held in his all-embracing heart, were covered with a beauty and a glory that all the artificial world could not create, and that his genius has endowed with immortal life. Robert Burns did not borrow his philosophy from the books, his humanity from the church, or his poetry from the schools. Luckily for us he escaped all these, and unfettered and untaught, went straight to the soul of Nature to learn from the great source, the harmony and beauty and unity that pervades the whole; and he painted these with colors drawn from his great human heart. His universal sympathy gave him an insight into life that students of science and philosophy can never reach. Contemplating Nature, and seeing her generous bounties lavished alike on all her children, he could not but contrast this with the selfishness and inhumanity of man, which crushes out the weak and helpless and builds up the great and strong. Burns was a natu-

ral leveler, and while men still believed in the "divine right of kings," he preached that "man was the divine King of rights." None knew better than he the injustice of the social life in which he lived, and in which we live to-day. Burns knew, as all men of intelligence understand, that worldly goods are not, and never have been given as a reward of either brains or merit.

> It's hardly in a body's power
> To keep at times, frae being sour,
> To see how things are shared;
> How best o'chiels are whiles in want
> While coofs on countless thousands rant
> And ken na how to wair't.

The immortal singer of songs, and all his descendants, received infinitely less for all the works of his genius than an ordinary gambler often gets for one sale of something that he never owned, or one purchase of something that he never bought; and it is doubtful if all the masterpieces of the world in art, in literature, and in science, ever brought as much cash to those whose great, patient brains have carefully and honestly wrought that the earth might be richer and better and brighter, as has been often "made" by one inferior speculator upon a single issue of watered stock.

Living in the midst of aristocracy and privilege and caste, Burns was a democrat that believed in the equality of man. It required no books or professors, or theories to teach him the injustice of the social conditions under which the world has ever lived. Here, as elsewhere, he looked to the heart—a teacher infinitely more honest and reliable than the brain.

If I'm design'd yon lordling's slave,
By Nature's law design'd;
Why was an independent wish
E'er planted in my mind?

If not, why am I subject to
His cruelty, or scorn?
Or why has man the will and pow'r
To make his fellow mourn?

Preachers and authors and teachers, judges and professors and lawyers, have been employed for ages to teach the justice of slavery and the folly and crime of equal rights; but through all quibbles and evasions, this question of Burns, straight from the heart, as well as the head, shows that all these excuses are but snares and cheats. The voice of the French Revolution could not fail to move a soul like that of Robert Burns. This great struggle for human liberty came upon the world with almost the

suddenness of an earthquake, and with much of its terrors, too. Here the poor and the oppressed felt the first substantial hope for freedom that had pierced the long, dark centuries since history told the acts of men. To the oppressors and the powerful, who hated liberty then as they ever have, before and since, it was a wild, dread threat of destruction and ruin to their precious "rights." When the struggle commenced, Burns was enjoying the munificent salary of Fifty pounds a year as a whisky gauger in the village of Dumfries. He had already spent a winter in Edinburgh, and had been feted and dined by the aristocracy and culture of Scotland's capital without losing his head, although at no small risk. An acquaintance and entertainer of the nobility and an incumbent of a lucrative office, there was but one thing for Burns to do; this was to condemn the Revolution and lend his trenchant pen to the oppressor's cause; but this course he flatly refused to take. He openly espoused the side of the people, and wrote the "Tree of Liberty," one of his most stirring songs, in its defense.

Upon this tree there grows sic fruit,
Its virtues a'can tell man;
It raises man aboon the brute,

It mak's him ken himsel' man.
Gif ance the peasant taste a bit,
He's greater than a lord man.

King Louis thought to cut it down
When it was unco sma' man;
For this the watchman cracked his crown,
Cut aff his head an' a' man.

Even these words are not strong enough to express his love for natural liberty and his distrust of those forms and institutions which over and over again have crushed the priceless gem they pretend to protect.

A fig for those by law protected!
Liberty's a glorious feast!
Courts for cowards were erected,
Churches built to please the priest.

Even higher and broader was Burns' view of equality and right. He stood on a serene height, where he looked upon all the strife and contention of individuals and states, and dreamed of a perfect harmony and universal order, where men and Nations alike should be at peace, and the world united in one grand common brotherhood, where the fondest wish of each should be the highest good of all. These beautiful, prophetic lines seem to speak of a day as distant now as when Burns wrote them down a hundred

years ago. But still, all men that love the human race will ever hope, and work, and say with him:

Then let us pray that come it may,
As come it will for a' that,
That sense and worth, o'er a' the earth
May bear the gree, and a' that;
For a' that, and a' that,
It's coming yet, for a' that,
That man to man, the warld o'er,
Shall brothers be for a' that.

It is perhaps as a singer of songs that the literary fame of Burns will longest be preserved. No other poet has ever breathed such music from his soul. His melodies are as sweet and pure as the bubbling spring; and as natural and spontaneous as ever came from the throat of the nightingale or lark. These songs could not be made. The feeling and passion that left his soul bore this music as naturally as the zephyr that has fanned the strings of the Æolian harp. The meter of these songs was not learned by scanning latin verse, or studying the dry rules that govern literary art, but it was born of the regular pulse beats, which in the heart of Nature's poets are as smooth and unstudied as the rippling laughter of her purling brooks.

John Anderson, my jo, John,
When we were first acquent,
Your locks were like the raven,
Your bonnie brow was brent;
But now your brow is beld, John,
Your locks are like the snow;
But blessing on your frosty pow,
John Anderson, my jo.

John Anderson, my jo, John,
We clamb the hill tegither,
And mony a canty day, John,
We've had wi' ane anither;
Now we maun totter down, John,
But hand in hand we'll go,
And sleep tegither at the foot,
John Anderson, my jo.

Although a plough boy and surrounded by the grime and dirt that come from contact with the soil, still even here Burns found material for music and poetry that will live as long as human hearts endure; for, though the sky may be warmer and bluer on the Mediterranean shore than where it domes the Scottish hills and crags, still the same heaven bends above them both, and the same infinite mysteries are hidden in their unfathomed depths. The tragedy of death is alike, whether defying the power of a Prince, or entering the home of the humblest peasant to bring the first moments of relief and rest.

The miracle of life, whether wrought by Nature on the rich couch of the Queen or the unwatched pallet of the peasant, is the same mystery, ever new, ever old, appealing ever to the heart of man. The affections and passions,—those profound feelings that Nature planted deep in the being of all sentient things, and on whose strength all life depends,—these are the deepest and purest as we leave the conventions and trappings of the artificial world, and draw nearer to the heart of the great Universal power. With the sky above, the fields around, and all Nature throbbing and teeming with pulsing life, but one thing more was needed to make harmony and music, and that was Robert Burns.

The old story of human love was sung by him a thousand times and in a thousand varying moods, as never love was sung before. It mattered not that his melodies breathed of rustic scenes, of country maids, and of plain untutored hearts that beat as Nature made them feel, unfettered by the restraints and cords of an artificial life. Transport his Mary to a gorgeous palace, and deck her fair form with the richest treasures of the earth and bring to her side the proudest noble that ever paid homage to a princess,

and no singer,—not even Burns himself,—could make a melody like the matchless music that he sung to Highland Mary.

How sweetly bloom'd the gay green birk,
  How rich the hawthorn's blossom;
As underneath their fragrant shade,
  I clasp'd her to my bosom!

The golden hours, on angel wings,
  Flew o'er me and my dearie;
For dear to me as light and life
  Was my sweet Highland Mary.

All the conventions and baubles and spangles which fashion and custom use to adorn the fair could only have cheapened and made vulgar the rustic maiden that moved Burns' soul to song.

These sweet lines could never have been written of any but a simple country lass, whose natural charms had moved a susceptible human heart:

I see her in the dewy flowers,
  I see her sweet and fair;
I hear hear in the tunefu' birds,
  I hear her charm the air;

There's not a bonnie flower that springs
  By fountain, shaw, or green,
There's not a bonnie bird that sings,
  But minds me o' my Jean.

Who was this Burns that sang these sweet songs and whose musical soul was stirred by every breeze and moved to poetry by every lovely face and form that came within his view? Biographers and critics and admirers have praised the genius and begged excuses for the man. Without asking charity for this illustrious singer, let us view him in the light of justice, exactly as he was. It is not difficult to understand the character of Robert Burns. His heart was generous and warm and kind; his mind was open as the day, and his soul was sensitive to every breath that stirred the air. These qualities have made the poet loved in every land on earth, and brought more pilgrims to his grave than were ever drawn to the tomb of any other poet or author that has ever lived and died. And yet the short-sighted, carping, moralizing world, with solemn voice and wisdom ill-assumed, has ever told how much better and holier he could have been and should have been. Poor, silly, idle world, can you never learn that the qualities that make us strong must also make us weak; that the heart that melts at suffering and pain is made of clay so sensitive and fine as to be moved and swayed by all the emotions of the soul? Would you serve the weak, the

suffering and the poor—would you calm their fears and dry their eyes and feel with them the cruel woes of life—you must wear your heart upon your sleeve, and then of course the daws will peck it into bits. Would you keep it safely hidden from the daws, you must hide it in a breast of stone or ice and keep it only for yourself. Perhaps we may admire the man that walks with steady step along a straight and narrow path, unmoved by all the world outside. He never feels and never errs. But we cannot ask of either man the virtues that belong to both, and when our choice is made we must take the strength and weakness too.

We look at the mountain top, lifting its snow-crowned head high into the everlasting blue, and are moved with wonder and with awe. Above is the endless sky; below, the world with all its bickering and strife, the clouds, the lightning and the storm, but the mountain, cold, impassive, changeless, unmoved by all the world, looks ever upward to the eternal heavens above. Again we gaze on the peaceful, fertile lowlands, rich with their generous harvests yet unborn —beautiful with their winding streams and grassy fields, ever ready to bestow bounteously on all that ask, demanding little and

lavishly returning all; and we love the quiet, rustic, generous beauty of the scene. The mountain is majestic and sublime, and the yielding, generous lowlands are beautiful and pleasing too. We love them both, but we cannot have them both at once and both in one.

Robert Burns, and all men like him that ever lived, were always giving from their generous souls. In the cold judgment of the world, Burns wasted many a gem upon the thoughtless, worthless crowd, who consumed a life he should have spent for nobler things. But the flower that never wastes its fragrance has no perfume to give out. If it is truly sweet, its strength is borne away on every idle wind that blows. Robert Burns with lavish bounty shed his life and fragrance on every soul he met. He loved them all and loved them well: his sensitive, harmonious soul vibrated to every touch, and moved in perfect harmony with every heart that came within his reach. The lives of men like him are one long harmony; but as they pass along the stage of life, they leave a trail of disappointed hopes, and broken hearts, and vain regrets. But of all the tragedies great and small that mark their path, the greatest far and most pathetic is

the sad and hopeless wreck that ever surely falls upon the exhausted artist's life.

The life of Burns was filled with wrecks—with promises made and broken, with hopes aroused, and then dashed to earth again. It was filled with these because one man cannot give himself personally to all the world. The vices of Robert Burns perhaps like those of all the rest that ever lived, were virtues carried to excess. Of course, the world could not understand it then, and cannot understand it now, and perhaps it never will, for slander and malice and envy, like death, always love a shinning mark. The life of Burns and the life of each is the old Greek fable told again. Achilles' mother would make him invulnerable by dipping him in the river Styx. She held him by the heel, which remained unwashed and vulnerable, and finally brought him to his death. To whatever dizzy height we climb, and however invulnerable we seek to be, there still remains with all the untouched heel that binds us to the earth. And after all, this weak and human spot, is the truest bond of kinship that unites the world.

I look back at Robert Burns, at the poor human life that went out a hundred years ago, and study its works to know the man.

I care not what his neighbors thought; I care not for the idle gossip of an idle hour. I know that his immortal songs were not born of his wondrous brain alone, but of the gentlest, trust, tenderest heart that ever felt another's pain. I know full well that the love songs of Robert Burns could have come from no one else than Robert Burns. I know that even the Infinite could not have changed the man and left the songs. Burns, like all true poets, told us what he felt and saw, and it is not for me to ask excuses for this or that; but rather reverently to bow my head in the presence of this great memory, and thank the infinite source of life for blessing us with Robert Burns exactly as he was.

It is difficult to understand our own being; it is impossible to know our fellow man's, but I have faith to think that all life is but a portion of one great inclusive power, and that all is good and none is bad. The true standard for judging Burns and all other men is given by Carlyle, and I cannot refrain from borrowing and adopting what he says:

"The world is habitually unjust in its judgments of such men; unjust on many grounds, of which this one may be stated as

the substance: It decides, like a court of law, by dead statutes; and not positively but negatively, less on what is done right than on what is or is not done wrong. Not the few inches of deflection from the mathematical orbit, which are so easily measured, but the ratio of these to the whole diameter, constitutes the real aberration. This orbit may be a planet's, its diameter the breadth of the solar system; or it may be a city hippodrome; nay, the circle of a ginhorse, its diameter a score of feet or paces. But the inches of deflection only are measured; and it is assumed that the diameter of the ginhorse and that of the planet will yield the same ratio when compared with them! Here lies the root of many a blind, cruel condemnation of Burns, Swift, Rousseau, which one never listens to with approval. Granted, the ship comes into harbor with shrouds and tackle damaged; the pilot is blameworthy; he has not been all-wise and all-powerful; but to know how blameworthy; tell us first whether his voyage has been around the Globe, or only to Ramsgate and the Isle of Dogs."

Robert Burns has been dust for a hundred years, and yet the world knows him better now than the neighbors that lived beside his

door. I look back upon the little village of Dumfries,—not the first or the last town that entertained angels unawares. I see poor Robert Burns passing down the street, and the pharisees and self-righteous walking on the other side. The bill of indictment brought against him by the Dumfries community was long and black; he was intemperate, immoral, irreligious, and disloyal to the things that were. The first two would doubtless have been forgiven, but the others could not be condoned. And so this illustrious man walked an outcast through the town that to-day makes its proudest boast that it holds the ashes of the mighty dead, who in life was surrounded by such a halo of glory that his neighbors could not see his face.

A hundred years ago Scotland was held tightly in the grasp of the Presbyterian faith. Calvinism is not very attractive even now, especially to us that live and expect to die outside its fold, but even Calvinism has softened and changed in a hundred years. Burns was too religious to believe in the Presbyterian faith, and to the Scotch Covenanter there was no religion outside the Calvinistic creed. How any man can read the poetry of Robert Burns and not feel the

deep religious spirit that animates its lines is more than I can see. True, he ridicules the dogmas and the creeds that held the humanity and intellect of Scotland in its paralyzing grasp; but creeds and dogmas are the work of man; they come and go; are born and die; serve their time and pass away; but the love of humanity, the instincts of charity and tenderness, the deep reverence felt in the presence of the infinite mystery and power that pervade the universe, these, the basis of all the religions of the earth, remain forever, while creeds and dogmas crumble to the dust.

Scotland of a hundred years ago measured Burns' religion by "Holy Willie's Prayer," "The Holy Fair," and kindred songs. The world a hundred years from now will not make these the only test. Dumfries and all the Unco' Guid of Scotland could not forgive Burns for writing:

> O Thou wha in the heavens dost dwell,
> Wha, as it pleases best thysel',
> Sends ane to heaven and ten to hell,
> A' for thy glory,
> And no for ony guid or ill
> They've done afore thee!
>
> I bless and praise thy matchless might,
> When thousands thou hast left in night,

That I am here afore thy sight,
For gifts an, grace,
A burnin, an a shinin' light,
To a' this place.

Lord, hear my earnest cry an' pray'r,
Against that presbt'ry o' Ayr;
Thy strong right hand, Lord make it bare
Upo' their heads!
Lord, weigh it down, an' dinna spare,
For their misdeeds.

But, Lord, remember me and mine
Wi' mercies temp'ral and divine,
That I for gear and grace may shine,
Excell'd by name;
And a' the glory shall be thine,
Amen, Amen.

It was not enough that Robert Burns taught a religion as pure and gentle and loving as that proclaimed by the Nazarene himself. Its meaning and beauty and charity were lost on those who would not see. Long ago it was written down that, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." If this is any test of a religious life, then few men will stand as high in the great beyond as Robert Burns. This poor poet has melted more hearts to pity and moved more souls to mercy, and inclined more lives to charity than any other poet

that ever dreamed and sung. Not men and women and children alone were the objects of his bounteous love and tender heart, but he felt the pain of the bird, the hare, the mouse, and even the daisy whose roots were upturned to the biting blast. Hear him sing of the poor bird for whom he shudders at the winter's cold:

> Ilka hopping bird, we helpless thing
> That in the merry month o' spring
> Delighted me to hear thee sing,
> What comes o' thee!
> Where wilt thou cow'r thy chilling wing
> And close thy ee?

Few men that ever lived would stop and lament with Burns, as he shattered the poor clay home of the field mouse with his plough. No matter what he did; no matter what he said; no matter what his creed; the man that wrote these lines deserves a place with the best and purest of this world or any other that the Universe may hold.

> Wee, sleekit, cow'rin, tim'rous beastie!
> O, what a panic's in thy breastie!
> Thou need na start awa sae hasty,
> Wi' bickerin' brattle;
> I wad be laith to rin an' chase thee,
> Wi' murd'ring prattle?

In a world which still enjoys the brutal

chase, where even clergymen find pleasure in inflicting pain with the inhuman gun and rod, these lines written a hundred years ago, on seeing a wounded hare limp by, should place Burns amongst the blessed of the earth:

> Inhuman man! curse on thy barb'rous art,
> And blasted be thy murder-aiming eye;
> May never pity sooth thee with a sight,
> Nor ever pleasure glad thy cruel heart!
>
> * * * * * *
>
> Oft, as by winding Nith I musing wait
> The sober eve, or hail the cheerful dawn,
> I'll miss thee sporting o'er the dewy lawn,
> And curse the ruffian's aim, and mourn thy
> hapless fate.

This was Robert Burns,—and yet Dumfries, which held this gentle soul within its walls, and the Protestant world of a hundred years ago, looked at John Calvin piling the faggots around Servetus' form, and knelt before him as a patron, religious saint, while they cast into outer darkness poor Robert Burns with his heart bowed down at the suffering of a wounded hare.

Will the world ever learn what true religion is? Will it ever learn that mercy and pity and charity are more in the sight of the

Infinite than all the creeds and dogmas of the earth? Will it ever learn to believe this beautiful verse of Robert Burns:

> But deep this truth impressed my mind,
> Through all his works abroad;
> The heart benevolent and kind,
> The most resembles God.

Will the world ever learn when it prays to pray with Robert Burns, as man has seldom spoken to the Infinite, in whose unknown hands, we are as bubbles on the sea; to the great power, which sends us forth into the darkness to stagger through a tangled maze for a little time and then calls us back to sleep within its all-embracing heart.

> O thou, unknown, Almighty Cause
> Of all my hope and fear!
> In whose dread presence, ere an hour,
> Perhaps I must appear!
>
> If I have wandered in those paths
> Of life I ought to shun;—
> As something loudly in my breast
> Remonstrates I have done;—
>
> Thou know'st that Thou hast formed me
> With passion wild and strong;
> And list'ning to their witching voice
> Has often led me wrong.
>
> Where human weakness has come short,
> Or frailty step aside,
> Do thou, All Good?—for such thou art
> In shades of darkness hide.

Where with intention I have err'd,
No other plea I have
But, Thou art good! and goodness still
Delighteth to forgive!

Dear Robert Burns, to place one flower upon your grave, or add one garland to your fame is a privilege indeed. A noble man you were, knighted not by King or Queen, but titled by the Infinite Maker of us all. You loved the world; you loved all life; you were gentle, kind and true. Your works, your words, your deeds, will live and shine to teach the brotherhood of man, the kinship of all breathing things, and make the world a brighter, gentler, kindlier place because you lived and loved and sung.

REALISM IN · LITERATURE AND · ART

REALISM IN LITERATURE AND ART

AN is nature's last and most perfect work, but, however high his development or great his achievements, he is yet a child of the earth and the rude forces that have formed all the life that exists thereon. He cannot separate himself from the environment that gave him birth, and a thousand ties of nature bind him back to the long forgotten past and prove his kinship to all the lower forms of life that have sprung from that great universal mother, Earth.

As there is a common law of being, which controls all living things, from the aimless motions of the mollusk in the sea to the most perfect conduct of the best developed man, so all the activities of human life, from the movements of the savage digging roots, to the work of the greatest artist with his brush, are controlled by universal law, and are good or bad, perfect or imperfect, as they conform to the highest condition nature has imposed.

The early savage dwelt in caves and cliffs and spent his life in seeking food and providing a rude shelter from the cold. He looked upon the earth, the sun, the sea, the

sky, the mountain peak, the forest and the plain, and all he saw and heard formed an impression on his brain and aided in his growth. Like a child he marveled at the storm and flood; he stood in awe as he looked upon disease and death; and to explain the things he could not understand, he peopled earth and air and sea with gods and demons, and a thousand other weird creations of his brain. All these mysterious creatures were made in the image of the natural objects that came within his view. The gods were men grown large and endowed with marvelous powers, while tree and bird and beast alike were used as models for a being greater far than any nature ever formed.

An angry god it was that made the rivers overrun their banks and leave destruction in their path; an offended god it was that hurled his thunderbolts upon a wicked world, or sent disease and famine to the sinning children of the earth: and to coax these rulers to be merciful to man, the weak and trembling children of the ancient world turned their minds to sacrifice and prayer. And the first clouded thoughts of these rude men that were transcribed on monument and stone, or carved in wood, or painted with the colors borrowed from the sun and

earth and sky; in short, the first rude art was born to sing the praise, and tell the fame, and paint the greatness of the gods. But all of this was natural to the time and place; the graven images, the chiseled hieroglyphics, and all this rude beginning of literature and art were formed upon what men saw and heard and felt, enlarged and magnified to fit the stature of the gods.

As the world grew older art was used to celebrate the greatness and achievements of kings and rulers as well as gods, and their tombs were ornamented with such decorations as these early ages could create; and yet all literature and art were only for the gods and the rulers of the world. Then, even more than now, wealth and power brought intellect to do its will, and all its force was spent to sing the praises of the rulers of the earth and air. The basis of all this art of pen and brush was the reality of the world, but this was so magnified and distorted for the base use of kings and priests that realism, in the true sense, could not exist. It would not do to paint a picture of a king resembling a man of flesh and blood, and of course a god must be far greater than a king. It would not do to write a tale in which kings and princes, lords

and ladies, should act like men and women, else what difference between the ruler and the ruled? The marvelous powers that romance and myth had given to gods and angels were transferred to those of royal blood. The wonderful achievements of these kings and princes could be equaled only by the gods, and the poor dependents of the world, who lived for the glory of the great, were fed with legends and with tales that sung the praises of the strong.

Literature, sculpture, painting, music, and architecture, indeed all forms of art, were the exclusive property of the great, and the artist then, like most of those to-day, was retained to serve the strong and maintain the status of the weak. No one dreamed that there was any beauty in a common human life or any romance in a fact. The greatest of the earth had not yet learned to know that every life is a mystery and every death a tragedy; that the spark of the infinite, which alone transforms clay to life, animates alike the breast of the peasant and the soul of the prince. The world had not yet learned that the ant-hill is as great as Mont Blanc, and the blade of grass as mysterious as the oak. It is only now that the world is growing so delicate and refined that it can

see the beauty of a fact; that it is developing a taste so rare as to distinguish between the false and true; that it can be moved by the gentle breeze as well as by the winter's gale; that it can see greater beauty in a statement true to life, than in the inflated tales, which children read.

Most of the art and literature the world has known has been untrue. The pictures of the past have been painted from the distorted minds of visionists, and the pliant brains of tools. They have represented impossible gods and unthinkable saints; angels and cherubs and demons; everything but men and women. Saints may be all right in their place, but a saint with a halo around his head was born of myth and not of art. Angels may be well enough, but all rational men prefer an angel with arms to an angel with wings. When these artists were not drawing saints and madonnas, they were spending their time in painting kings and royal knaves; and the pictures of the rulers were as unlike the men and women that they were said to represent as the servile spirit of the painter was unlike that of the true artist of to-day. Of course an artist would not paint the poor; they had no clothes that would adorn a work of art, and

no money nor favors that could remunerate the toil. An ancient artist could no more afford to serve the poor than a modern lawyer could defend the weak.

After literature had so far advanced as to concern other beings than gods and kings, the authors of these ancient days told of wondrous characters endowed with marvelous powers; knights with giant strength and magic swords; princes with wondrous palaces and heaps of gold; travelers that met marvelous beasts and slew them in extraordinary ways; giants with forms like mountains, and strength like oxen, who could vanquish all but little dwarfs. Railroads were not invented in those early days, but travel was facilitated by the use of seven league boots. Balloons and telescopes were not yet known, but this did not keep favored heroes from peering at the stars or looking down from on high upon the earth; they had but to plant a magic bean before they went to bed at night, and in the morning it had grown so tall that it reached up to the sky; and the hero, although not skilled in climbing, needed simply to grasp the stalk and say, "Hitchety, hatchety, up I go. Hitchety, hatchety, up I go," and by this means soon vanish in the clouds. Tales of this

sort used once to delight the world, and the readers half believed them true. We give them to children now, and the best of these view them with a half contempt.

The modern man does not enjoy these myths. He relishes a lie, but it must not be too big; it must be so small that, although he knows in his inmost soul that it is not true, he can yet half make himself believe it is not false. Most of us have cherished a pleasing, waking dream, and have fondly clung to the sweet delusion while we really knew it was not life. The modern literary stomach is becoming so healthy that it wants a story at least half true; should the falsehood be too strong, it acts as an emetic instead of food. These old fairy tales have lost their power to charm, as the stories of the gods and kings went down before. They have lost their charm, for as we read them now, they wake no answering chord born of the experiences that make up what we know of human life.

When the beauty of realism shall be truly known, we shall read the book, or look upon the work of art, and in the light of all we know of life, shall ask our beings whether the picture that the author or the painter creates for us is like the image that

is born of the consciousness that moves our soul, and the experiences that have made us know.

Realism worships at the shrine of nature; it does not say that there may not be a sphere in which beings higher than man can live, or that some time an eye may not rest upon a fairer sunset than was ever born behind the clouds and sea, but it knows that through countless ages nature has slowly fitted the brain and eye of man to the earth on which we live and the objects that we see: and the perfect earthly eye must harmonize with the perfect earthly scene.

To say that realism is coarse and vulgar is to declare against nature and her works, and to assert that the man she made may dream of things higher and grander than nature could unfold. The eye of the great sculptor reveals to him the lines that make the most perfect human form, and he chisels out the marble block until it resembles this image so completely that it almost seems to live. Nature, through ages of experiment and development, has made this almost faultless form. It is perfect because every part is best fitted for the separate work it has to do. The artist knows that he could not improve a single organ if he would, for all the rest of

nature must be adjusted to the change. He has the skill to reproduce this shape in lasting stone, and the human brain could not conceive a form more beautiful and fair. Here is a perfect image of the highest work that countless centuries of nature's toil has made, and yet some would seek to beautify and sanctify this work by dressing it in the garb that shifting fashion and changing fancy makes for man.

Only the vulgar superstition of the past ever suggested that the reproduction of human forms in stone was an unholy work. Through long dark centuries religion taught that the flesh was vile and bad, and that the soul of man was imprisoned in a charnel house, unfit for human sight. The early Christians wounded, bruised, and maimed their house of clay; they covered it with skins, which under no circumstances could be removed, and many ancient saints lived and died without ever having looked upon the bodies nature gave. The images of saints and martyrs, which in the name of religion were scattered through Europe, were covered with paint and clothes, and were nearly as hideous as the monks that placed them there. When the condition of Europe and its religious thought are clearly

understood, it is not difficult to imagine the reception that greeted the first dawn of modern realistic art. Sculpture and painting deified the material. They told of beauty in the human form which hundreds of years of religious fanaticism had taught was bad and vile. If the flesh was beautiful, what of the monks and priests, who had hidden it from sight, who had kept it covered night and day through all their foolish lives, who maimed and bruised, cut and lacerated, for the glory of the spirit, which they thought was chained within. The church had taught that the death of the flesh was the birth of the soul, and they therefore believed that the artist's resurrection of the flesh was the death of the soul.

This old religious prejudice, born of a misty, superstitious past, has slowly faded from the minds of men, but we find its traces even yet. The origin of the feeling against realistic art has well nigh been forgot, but much of the feeling still remains. No one would now pretend to say that all the body was unholy or unfit for sight, and yet years of custom and inherited belief have made us think that a part is good and the rest is bad: that nature, in her work of building up the human form, has made one

part sacred and another vile. It is easy to mistake custom for nature, and inherited prejudice for morality. There is scarcely a single portion of the human body but that some people have thought it holy, and scarcely a single portion but that some have believed it vile. It was not shame that made clothing, but clothing that made shame. If we would eradicate from our beliefs all that inheritance and environment have given, it would be hard for us to guess how much should still remain. Custom has made most things good and most things bad, according to the whim of time and place. To find solid ground we must turn to nature and ask her what it is that conduces to the highest happiness and the longest life.

The realistic artist cannot accept the popular belief, whatever that may be, as to just where the dead line on the human body should be drawn that separates the sacred and profane. There are realists that look at all the beauty and loveliness of the world, and all its maladjustments too, and do not seek to answer the old, old question whether back of this is any all-controlling and designing power; they do not answer, for they cannot know; but they strive to touch the subtle chord that makes their individual lives

vibrate in harmony with the great heart of that nature, which they love; and they cannot think but that all parts of life are good, and that while men may differ, nature must know best.

Other realists there are that believe they see in nature the work of a divine maker, who created man in his own image as the last and highest triumph of his skill; that the minutest portion of the universe exists because he wished it thus. To the realist that accepts this all-controlling power, any imputation against a portion of his master's work must reach back to the author that designed it all.

We need not say that the human body might not be better than it is; we need only know that it is the best that man can have, and that its wondrous mechanism has been constructed with infinitely more than human skill; that every portion is adapted for its work, and through the harmony of every part the highest good is reached; and that all is beautiful, for it makes the being best adapted to the earth. Those who denounce realistic art deny that knowledge is power and that wisdom only can make harmony, and they insist instead that there are some things vital to life and happiness that we

should not know, but that if we must know these things, we should at all events pretend that we do not. One day the world will learn that all things are good or bad according to the service they perform. One day it ought to learn that the power to create immortality, through infinite succeeding links of human life, is the finest and most terrible that nature ever gave to man, and that to ignore this power or call it bad, or fail to realize the great responsibility of this tremendous fact, is to cry out against the power that gave us life, and commit the greatest human sin, for it may be one that never dies.

The true artist does not find all beauty in the human face or form. He looks upon the sunset, painting all the clouds with rosy hue, and his highest wish is to create another scene like this. He never dreams that he could paint a sunset fairer than the one which lights the fading world. A fairer sunset would be something else. He sees beauty in the quiet lake, the grassy field, and running brook; he sees majesty in the cataract and mountain peak. He knows that he can paint no streams and mountain peaks more perfect than the ones that nature made.

The growth of letters has been like the growth of art from the marvelous and mythical to the natural and true. The tales and legends of the ancient past were not of common men and common scenes. These could not impress the undeveloped intellect of long ago. A man of letters could not deify a serf, or tell the simple story of the poor. He must write to maintain the status of the world, and please the prince that gave him food; so he told of kings and queens, of knights and ladies, of strife and conquest; and the coloring he used was human blood.

The world has grown accustomed to those ancient tales, to scenes of blood and war, and novels that would thrill the soul and cause the hair to stand on end. It has read these tales so long that the true seems commonplace, and unfit to fill the pages of a book. But all the time we forget the fact that the story could not charm unless we half believed it true. The men and women in the tale we learn to love and hate; we take an interest in their lives; we hope they may succeed or fail; we must not be told at every page that the people of the book are men of straw, that no such beings ever lived upon the earth. We could take no interest in men and women that are myths conjured

up to play their parts, and remind us in every word they speak that, regardless of the happiness or anguish the author makes them feel, they are but myths and can know neither joy nor pain.

It may be that the realistic tale is commonplace, but so is life, and the realistic tale is true. Among the countless millions of the earth it is only here and there, and now and then, that some soul is born from out the mighty deep that does not soon return to the great sea and leave no ripple on the waves.

In the play of life each actor seems important to himself; the world he knows revolves around him as the central figure of the scene; his friends rejoice in all the fortune he attains and weep with him in all his grief. To him the world is bounded by the faces that he knows, and the scenes in which he lives. He forgets the great surging world outside, and cannot think how small a space he fills in that infinity which bounds his life. He dies, and a few sorrowing friends mourn him for a day, and the world does not know he ever lived or ever died. In the ordinary life nearly all events are commonplace; but a few important days are thinly sprinkled in amongst all of those that intervene between

the cradle and the grave. We eat and drink, we work and sleep, and here and there a great joy or sorrow creeps in upon our lives, and leaves a day that stands out against the monotony of all the rest, like the pyramids upon the level plains; but these events are very few and are important only to ourselves, and for the rest we walk with steady pace and slow along the short and narrow path of life, and rely upon the common things alone to occupy our minds and hide from view the marble stone that here and there gleams through the over-hanging trees just where the road leaves off.

The old novel which we used to read and to which the world so fondly clings, had no idea of relation or perspective. It had a hero and a heroine, and sometimes more than one. The revolutions of the planets were less important than their love. War, shipwreck, and conflagration, all conspired to produce the climax of the scene, and the whole world stood still until the lovers' hearts and hands were joined. Wide oceans, burning deserts, arctic seas, impassable jungles, irate fathers, and even designing mothers, were helpless against the decree that fate had made, and when all the barriers were passed and love had triumphed

over impossibilities, the tale was done; through the rest of life nothing of interest could occur. Sometimes in the progress of the story, if the complications were too great, a thunderbolt or an earthquake was introduced to destroy the villain and help on the match. Earthquakes sometimes happen, and the realistic novelist might write a tale of a scene like this, but then the love affair would be an incident of the earthquake, and not the earthquake an incident of the love affair.

In real life the affections have played an important part and sometimes great things have been done and suffered in the name of love, but most of the affairs of the human heart have been as natural as the other events of life.

The true love story is generally a simple thing. "Beside a country road, on a sloping hill, lives a farmer, in the house his father owned before. He has a daughter, who skims the milk, and makes the beds, and goes to singing school at night. There are other members of the household, but our tale is no concern of theirs. In the meadow back of the house a woodchuck has dug its hole, and reared a family in its humble home. Across the valley only a mile away,

another farmer lives. He has a son, who plows the fields and does the chores and goes to singing school at night. He cannot sing, but attends the school as regularly as if he could. Of course he does not let the girl go home alone, and in the spring, when singing school is out, he visits her on Sunday eve without excuse. If the girl had not lived so near, the boy would have fancied another girl about the same age, who also went to singing school. Back of the second farmer's house is another woodchuck hole and woodchuck home. After a year or two of courtship the boy and girl are married as their parents were before, and they choose a pretty spot beside the road, and build another house near by, and settle down to common life: and so the world moves on. And a woodchuck on one farm meets a woodchuck on the other, and they choose a quiet place beside a stump, in no one's way, where they think they have a right to be, and dig another hole and make another home." For after all, men and animals are much alike, and nature loves them both and loves them all, and sends them forth to drive the loneliness from off the earth, and then takes them back into her loving breast to sleep.

It may be that there are few great inci-

dents in the realistic take, but each event appeals to life and cannot fail to wake our memories and make us live the past again. The great authors of the natural school—Tolstoi, Hardy, Howells, Daudet, Ibsen, Flaubert, Zola and their kind, have made us think and live. Their words have burnished up our minds and revealed a thousand pictures that hang upon the walls of memory, covered with the dust of years, and hidden from our sight. Sometimes of course we cry with pain at the picture that is thrown before our view, but life consists of emotions, and we cannot truly live unless the depths are stirred. These great masters, it is true, may sometimes shock the over-sensitive with the tales they tell of life, but if the tale is true, why hide it from our sight?

There is nothing more common than the protest against the wicked stories of the realistic school, filled with tales of passion and of sin; but he that denies passion denies all the life that exists upon the earth, and cries out against the mother that gave him birth. And he that ignores this truth passes with contempt the greatest fact that nature has impressed upon the world. Those who condemn as sensual the tales of Tolstoi and Daudet still defend the love stories of which

our literature is full. Those weak and silly tales that make women fit only to be the playthings of the world, and deny to them a single thought or right except to serve their master, man. These objectors do not contend that tales dealing with the feelings and affections shall not be told, they approve these tales; they simply insist that they shall be false instead of true. The old novel filled the mind of the school girl with a thousand thoughts that had no place in life—with ten thousand pictures she could never see. It taught that some time she should meet a prince in disguise to whom she would freely give her hand and heart. So she went out upon the road to find this prince, and the more disguised he was, the more certain did she feel that he was the prince for whom she sought. The realist paints the passions and affections as they are. Both man and woman can see their beauty and their terror, their true position, and the relation that they bear to all the rest of life. He would not beguile the girl into the belief that her identity should be destroyed and merged for the sake of this feeling, which not once in ten thousand times could realize the promises the novel made; but he would leave her as an individual to make the

most she can, and all she can, of life, with all the hope and chance of conquest, which men have taken for themselves. Neither would the realist cry out blindly against these deep passions, which have moved men and women in the past, and which must continue fierce and strong as long as life exists. He is taught by the scientist that the fiercest heat may be transformed to light, and is taught by life that from the strongest passions are sometimes born the sweetest and the purest souls.

In these days of creeds and theories, of preachers in the pulpit and of preachers out, we are told that all novels should have a moral and be written to serve some end. So we have novels on religion, war, marriage, divorce, socialism, theosophy, woman's rights, and other topics without end. It is not enough that the preachers and lecturers shall tell us how to think and act; the novelist must try his hand at preaching too. He starts out with a theory, and every scene and incident must be bent to make it plain that the author believes certain things. The doings of the men and women in the book are secondary to the views the author holds. The theories may be true, but the poor characters that must adjust their lives to these

ideal states are sadly warped and twisted out of shape. The realist would teach a lesson, too, but he would not violate a single fact for all the theories in the world—for a theory could not be true if it did violence to life. He paints his picture so true and perfect that all men who look upon it know it is a likeness of the world that they have seen; they know that these are men and women and little children that they meet upon the streets; they see the conditions of their lives, and the moral of the picture sinks deep into their minds.

There are so-called scientists that make a theory and then gather facts to prove their theory true; the real scientist patiently and impartially gathers facts, and then forms a theory to explain and harmonize these facts. All life bears a moral, and the true artist must teach a lesson with his every fact. Some contend that the moral teacher must not tell the truth; the realist holds that there can be no moral teaching like the truth. The world has grown tired of preachers and sermons; to-day it asks for facts. It has grown tired of fairies and angels, and asks for flesh and blood. It looks on life as it exists, both its beauty and its horror, its joy and its sorrow; it wishes to see it all; not the prince

and the millionaire alone, but the laborer and the beggar, the master and the slave. We see the beautiful and the ugly, and with it know what the world is and what it ought to be; and the true picture, which the author saw and painted, stirs the heart to holier feelings and to grander thoughts.

It is from the realities of life that the highest idealities are born. The philosopher may reason with unerring logic, and show us where the world is wrong. The economist may tell us of the progress and poverty that go hand in hand; but these are theories, and the abstract cannot suffer pain. Dickens went out into the streets of the great city and found poor little Jo sweeping the crossing with his broom. All around was the luxury and the elegance, which the rich have ever appropriated to themselves; great mansions, fine carriages, beautiful dresses, but in all the great city of houses and homes, poor little Jo could find no place to lay his head. His home was in the street, and every time he halted for a moment in the throng, the policeman touched him with his club and bade him "move on." At last, ragged, wretched, almost dead with "moving on," he sank down upon the cold stone steps of a magnificent building erected for "The Prop-

agation of the Gospel in Foreign Parts." As we think of wretched, ragged Jo in the midst of all this luxury and wealth, we see the tens of thousands of other waifs in the great cities of the world, and we condemn the so-called civilization of the earth that builds the mansions of the rich and great upon the rags and miseries of the poor.

The true realist cannot worship at the shrine of power, nor prostitute his gifts for gold. With an artist's eye he sees the world exactly as it is, and tells the story faithful unto life. He feels for every heart that beats, else he could not paint them as he does. It takes the soul to warm a statue into life and make living flesh and coursing blood, and each true picture that he paints or draws makes the world a better place in which to live.

The artists of the realistic school have a sense so fine that they cannot help but catch the inspiration that is filling all the world's best minds with the hope of greater justice and more equal social life. With the vision of the seer they feel the coming dawn when true equality shall reign upon the earth; the time when democracy shall no more be confined to constitutions and to laws, but will be a part of human life. The greatest artists

of the world to-day are telling facts and painting scenes that cause humanity to stop, and think, and ask why one should be a master and another be a serf; why a portion of the world should toil and spin, should wear away its strength and life, that the rest should live in idleness and ease.

The old-time artists thought they served humanity by painting saints and madonnas and angels from the myths they conjured in their brains. They painted war with long lines of soldiers dressed in uniforms, and looking plump and gay; and a battle scene was always drawn from the side of the victorious camp, with the ensign proudly planting his bright colors on the rampart of the foe. One or two were dying, but always in their comrades' arms, and listening to shouts of victory that filled the air, and thinking of the righteous cause for which they fought and died. In the last moments they dreamed of pleasant burial yards at home, and of graves kept green by loving, grateful friends; and a smile of joy shone on their wasted faces that was so sweet, that it seemed a hardship not to die in war. They painted peace as a white winged dove settling down upon a cold and fading earth. Between the two it was plain which choice a boy would make, and thus art served the state and king.

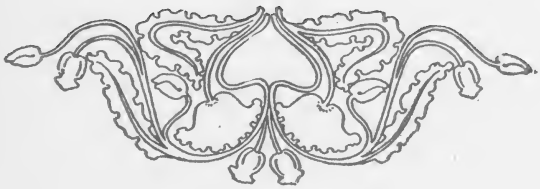
But Verestchagin painted war; he painted war so true to life that as we look upon the scene, we long for peace. He painted war as war has ever been, and as war will ever be—a horrible and ghastly scene, where men, drunk with blind frenzy which rulers say is patriotic pride, and made mad by drums and fifes and smoke and shot and shell and flowing blood, seek to maim and wound and kill, because a ruler gives the word. He paints a battle field, a field of life and death; a field of carnage and of blood; and who are these that fight like fiends and devils driven to despair? What cause is this that makes these men forget that they are men, and vie with beasts to show their cruel thirst for blood? They shout of home and native land, but they have no homes, and the owners of their native land exist upon their toil and blood. The nobles and princes, for whom this fight is waged, are far away upon a hill, beyond the reach of shot and shell, and from this spot they watch their slaves pour out their blood to satisfy their rulers' pride and lust of power. What is the enemy they fight? Men like themselves; who blindly go to death at another king's command, slaves, who have no land, who freely give their toil or blood, which-

ever one their rulers may demand. These fighting soldiers have no cause for strife, but their rulers live by kindling in their hearts a love of native land, a love that makes them hate their brother laborers of other lands, and dumbly march to death to satisfy a king's caprice. But let us look once more after the battle has been fought. Here we see the wreck and ruin of the strife; the field is silent now, given to the dead, the beast of prey and night. A young soldier lies upon the ground; the snow is falling fast around his form; the lonely mountain peaks rise up on every side; the wreck of war is all about. His uniform is soiled and stained, a spot of red is seen upon his breast. It is not the color that his country wove upon his coat to catch his eye and bait him to his death; it is hard and jagged and cold. It is his life's blood, which leaked out through a hole that followed the point of a sabre to his heart. His form is stiff and cold, for he is dead. The cruel wound and icy air have done their work. The government that took his life taught this poor boy to love his native land; as a child he dreamed of scenes of glory and of power, and the great wide world just waiting to fall captive to his magic strength. He dreamed of war

and strife, of victory and fame; if he should die, kind hands would smooth his brow, and loving friends would keep his grave and memory green, because he died in war. But no human eye is there at last, as the mist of night and mist of death shut out the lonely mountains from his sight. The snow is all around, and the air above is grey with falling flakes, which soon will hide him from the world; and when the summer time shall come again, no one can tell his bleaching bones from all the rest. The only life upon the scene is the buzzard slowly circling in the air above his head, waiting to make sure that death has come. The bird looks down upon the boy, into the eyes through which he first looked out upon the great, wide world, and which his mother fondly kissed; upon these eyes the buzzard will commence his meal.

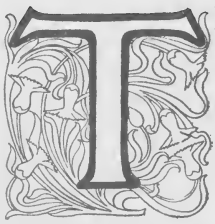
Not all the world is beautiful, and not all of life is good. The true artist has no right to choose the lovely spots alone and make us think that this is life. He must bring the world before our eyes and make us read and learn. As he loves the true and noble, he must show the false and bad. As he yearns for true equality, he must paint the master and the slave. He must tell the truth, and

tell it all, must tell it o'er and o'er again, till the deafest ear will listen and the dullest mind will think. He must not swerve to please the world by painting only pleasant sights and telling only lovely tales. He must think, and paint, and write, and work, until the world shall learn so much and grow so good, that the true will all be beautiful and all the real be ideal.



THE·SKELETON IN·THE·CLOSET

THE SKELETON IN THE CLOSET



HE closet has so long been allotted to the skeleton that we have come to regard this room as its fit and natural home; it has been given over to this guest because it is the darkest, the closest and least conspicuous in the house. The door can be securely fastened and only now and then can the grating bones be heard by the world outside. Still, however secluded and unused this guest chamber seems to be, and however carefully we bolt the door and darken every chink and crevice in the walls, we are ever conscious that the occupant is there, and will remain until the house is closed, and the last tenant has departed, never to return. The very fact that we try so hard to keep the skeleton in its proper room, makes it the more impossible to forget that it is there. Now and then we awake with a start at the thought of what might happen should it break the door and wander through the house, and then stray out into the wide world, and tell all the peaceful, trusting neighbors from what house it stole away; and yet we are somehow conscious that the rumor of its dread presence has already

traveled as far as we are known. Man is a wonderfully adaptable animal; he fits himself easily into the environment where he is placed. He passes from infancy to childhood and from childhood to boyhood as smoothly as the placid river flows to the waiting sea. Every circumstance and surrounding of his life seems to have been made for him. Suddenly a new desire takes possession of his soul; he turns his back on the home of his childhood days and goes out alone. In a little time a new family is reared about him, and he forgets the group that clustered round his father's hearth. He may lose a leg or a fortune, and he soon conforms to his changed condition and life goes on as naturally and as easily as before. A child is born beneath his roof; it takes a place within his heart and home, and in a little while he can scarcely think of the day it was not there. Death comes, and a member of his little band is carried out, but time drops its healing balm upon the wounds and life goes on almost unconscious that the dead has ever lived. But while we adjust ourselves naturally to all things living and to ever varying scenes, the skeleton in the closet is always an intruder, no matter how long it may have dwelt beneath the roof.

Even though we may forget its actual presence for a little time, still no scene is so perfect and no enjoyment so great but we feel a cloud casting its shadow across our happiness or the weight of some burden on our soul; and when we stop to ask the cause, the grinning skeleton reminds us that it is with us even here.

This specter stands quite apart from the other sorrows of our life; age seems powerless to forget, and time will not bring its ever-fresh, recurring scenes to erase the memory of the past. This is not because the skeleton is really such a dreadful guest. The kind and loving ivy creeps tenderly around each yawning scar and crumbling stone, until the whole ruin is covered with a lovely green. The decaying pile stands free and open to the sun and rain and air. It does not hide its head or apologize for the blemishes and seams that mark its face, and a kind, forgiving nature takes the ruin, scars and all, and blends these with her softening years and lovely face into a beautiful harmonious whole; but unlike the ruin, the skeleton in the closet is a neglected, outcast child. With every breath we insist that there is nothing in the room. We refuse to take it to our hearts and homes and

acknowledge it as our own. We seek to strangle it to death, and each fresh attempt not only shows our murderous design, but proves that the skeleton is not a pulseless thing but is endowed with immortal life. The brighter the fire-light that glows around our hearth, the more desolate and drear sounds the wail of the wind outside, for through its cold blasts wanders the outcast, whose rightful place is in the brightest corner of the room.

Our constant annoyance and sorrow at this dread presence is not caused by the way the skeleton behaves to us, but from the way we treat our guest. If we looked it squarely in its grinning skull, it might not seem so very loathsome to the sight. It has the right to grin. It may be but a grim smile over the consciousness that it has sounded the last sorrow and that henceforth no greater evils are in store; it may be a mocking, sardonic grin at the thought of our discomfiture over its unwelcome presence and the knowledge that we cannot drive it out.

There is no truer index to real character than the way we treat the skeletons with which we live. Some run to the closet door, and try to lock it fast when a neighbor comes their way. If perchance any fear of dis-

covery is felt, they stand guard outside and solemnly protest that there is nothing in the room. Their anxiety and haste plainly show fear lest their hated guest shall reveal its face; and of course there rises in the neighbor's mind a vision of a skeleton more horrible by far than the one inside the door or than anyone can be. If the luckless jailer really fears that the rattle of the prisoner's bones has been heard outside, he feels it his duty to carefully explain or tediously cover up every detail and circumstance that caused the presence of the specter in the house. All this can only show that the guest is terrible to behold or that the jailer is so poor and weak that he himself is a helpless prisoner to his foolish pride and unmanly fear. It can only serve to emphasize the presence he tries so vainly to deny. There are also those who know that their skeleton has been seen, or who having lost all else but this persistent, grinning guest, drag it out and parade it in the world to gain the sympathy or the money of their neighbors and their friends, like the crippled beggar standing on the corner holding out his hat to every passer-by. The true man neither guiltily conceals nor anxiously explains nor vulgarly parades. He lives his life the best he can,

and lets it stand for what it is. A thousand idle tales may be true or false. One may have seen but certain things, and placed him with the saints. Another little soul, who never felt the breadth and depth of human life, may have seen his scars alone, and cast him out. But standing by his side, or clasping his strong, sympathetic hand, no one thinks of halos or scars or asks an explanation of this or that, for in his whole being is felt the divine presence of a great soul, who has lived and loved, sinned and suffered, and been strengthened and purified by all.

The skeleton is really kind that it only grins as we look it in the face. Of all our household it has received the hardest treatment at our hands. It has helped us more than any of the rest, and been locked in the closet for its pains. It may perchance have come at our own invitation, bringing us the keenest, wildest joy our life had ever known. We gladly drained the pleasure to the dregs, and then coolly locked the memory close in the darkest hole that we could find. The day it came, has well nigh faded from our minds, and the mad, wild joy we knew can never more be wakened from the burned-out passions of the past, but the skeleton, which

rose up grim and ghastly from the dying flame, remains to mock and jeer and make us sad. And now when the day is spent and the cup is drained, we charge the poor specter with our lasting pain, and forget the joy it brought. We look with dread at these mocking, grinning bones, which we cannot drive away, and we forget the time, long, long ago, when those dry sticks were covered up with beautiful and tempting flesh.

It may be that we shall always shudder as we hear the rattle of the bones when we pass the closet door, but in justice to the inmate, we should give him credit for the joys of long ago. And this brings us back to the old question of the balancing of pain and pleasure, good and evil, right and wrong. It may be that in the mysterious adjustment of nature's balances, a moment of supreme bliss will outweigh an eternity of pain. In the infinite economy, which life counted for the more,—that of Napoleon, or the poor French peasant that passed through an obscure existence to an unknown grave? The brief glory of Austerlitz was followed by the bitterness of Waterloo, and the long silence of an exile's life, while the peasant trod his short path without ambition, and filled a nameless grave without regret. Which is

the greater and finer, the blameless life of the patient brute, or the winding, devious path of a human soul? It is only the dull level that brings no sorrow or regret. It is a sterile soil where no weeds will grow, and a bare closet where no skeleton will dwell.

Neither should we remember the skeleton only for the joy it brought; from the day it came, it has been the greatest benefactor that our life has known. When the mad delirium had passed away, and the last lingering fragrance was almost spent, this despised skeleton remained as the sole companion, whose presence should forever bind us back to those feelings that were fresh and true and straight from nature's heart, and that world which once was green and young and filled with pulsing life. As the shadows gather round our head, and our once-straying feet fall mechanically into the narrow path so straight and even at the farther end, we may shudder now and then at the thought of the grim skeleton whose life is so far removed from our sober later selves; but with the shudder comes a spark, a flash of that great, natural light and heat that once possessed this tottering frame, and gave a glow of feeling and a strength of purpose so deep and all-controlling that the artificial life of an artificial world seems no more than a dim candle shining by the glorious sun.

It is the exhausted emotions of age, which men call prudence, that are ever warning youth of the follies of its sins. It is the grinning skeleton, speaking truly from the memory of other days, that insists that life's morning held the halcyon hours. Does old age outlive the follies of childhood or does the man outgrow the wisdom of youth? The most vociferous preachers are often those whose natural spirits have led them to drink the deepest of life. They are so foolish as to think that others can be taught by their experiences, and mumbling grey-beards endorse the excellence and wisdom of the sermons that they preach. They are not wise enough to know that their prattle is more vain and foolish than the babblings of their childhood days. It was the growing, vital sap of life that made them children years ago; it is the icy, palsying touch of age that makes them babbling, preaching children once again. As well might the calm and placid lake teach the beauty of repose to the boiling, seething cataract, that thunders down Niagara's gulf. When the troubled waters shall have reached the lake they shall be placid too. Nature is wiser far than man. She makes the first childhood precede the second. If the age of prudence came with

youth, it would be a dull and prosy world for a little time; then life would be extinct upon the earth and death triumphant over all.

But these are the smallest reasons why we should venerate the neglected skeleton, which we have ruthlessly cast into the closet as if it were a hideous thing. This uncanny skeleton, ever thrusting its unwelcome bones into our presence and our lives, has been the most patient, persistent, constant teacher that all our years have known. We look backward through the long dim vista of the past, back to the little trusting child that once nestled on its mother's breast and from whose loving lips and gentle soul it first was told of life, its temptations and its sins; backward to her, whose whole thought was a benediction to the life that was once a portion of herself. We remember still this mother's words teaching us the way to live and telling us the way to die. We always knew that no selfish thought inspired a single word she said and yet time and time again we strayed and wandered from the path she pointed out. We could not keep the road and after while we did not try. Again our teacher told us of the path. He, too, was good and kind and knew the way

we ought to go, and showed us all the bad results of sin, and still we stumbled on. The preacher came and told us of the beauteous heaven, straight at the other end of the narrow path, and the yawning gulf of hell to which our shifting footsteps led; but we heeded not his solemn tones, though they seemed to come with the authority of God himself. As the years went on, our mother's voice was stilled, the teacher's words were hushed, the preacher's threats became an empty, hollow sound; and in their place came the grinning skeleton, born of our own desires and deeds; less loving than the gentle mother, more real and life-like than the teacher, saner and truer than the preacher's idle words. It was ever present and persistent; it was a portion of our very selves.

We detested and feared the hated thing; we locked it in the closet, and denied that it was there; but through the brightness of the day and the long and silent watches of the night, we heard its rattling bones, and felt its presence at our side. No teacher of our youth was like that grim and ghastly skeleton, which we tried to hide away. The schoolmaster of our early life took our fresh, young, plastic minds and sought to crowd them full of useless, unrelated facts that

served no purpose through the years that were to come. These lessons that our teacher made us learn by rote filled so small a portion of our daily lives that most of them were forgotten when the school-house door was closed. When now and then we found some use for a trifling thing that we had learned through years at school, we were suprised to know that the pedagogue had taught us even this. In those early days it seemed to us that life would consist of one long examination in which we should be asked thc names of states, the rule of three, and the words the Romans used for this and that. All that we were taught of the great world outside and the problem that would one day try our souls, was learned from the copy books where we wrote the same old maxim until all the paper was used up. In after years, we learned that, while the copy book might have taught us how to write in a stilted, unused hand, still all its maxims were untrue.

We left the school as ignorant of life as we commenced, nay, we might more easily have learned its lesson without the false, misleading theories we were taught were true. When the doors were opened and the wide world met us face to face, we tested what we

learned, and found it false, and then we blundered on alone. We were taught by life that the fire and vigor of our younger years could not be governed by the platitudes of age. Nature was ever present with her strong and earthly grasp, her keen desires, her white hot flame. We learned the precepts of the books, but we lived the life that nature taught.

Our pathetic blunders and mistakes, and the skeleton that followed in their wake, remained to teach us what was false and point to what was true. This grim, persistent teacher made but little of the unimportant facts that the schoolmaster sought to make us learn, and it laughed to scorn the preacher's doctrine, that in some way we could avoid the results of our mistakes and sins. It did not preach, it took its place beside us as another self and by its presence sought to make us know that we could not be at peace until we clasped it to our breast and freely accepted the unwelcome thing as a portion of our lives.

Only the smallest fraction that we learned in youth was assimilated and made a portion of ourselves; the rest faded so completely that it seemed never to have been. The teacher soon became a dim, uncertain mem-

ory of the past, whose voice had long since died away; but the skeleton in the closet never wearied nor grew old. It ever made us learn again the lesson we would fain forget; opened at each succeeding period of our lives the pages we would gladly put away, until, at last, the ripening touch of time and the specter's constant presence made us know. From the day it came beneath our roof, it remained the liveliest, wisest, most persistent member of the family group, the tireless, watchful teacher, who would neither sleep nor allow its pupil to forget.

It may be that there are lives so barren and uneventful that this guest passes ever by their door, but unfortunate indeed is that abode where it will not dwell. The wide vistas can be seen only from the mountain top, and the infinite depths of life can be sounded only by the soul that has been softened and hallowed by the sanctifying touch of misery and sin.

Life is a never-ending school, and the really important lessons all tend to teach man his proper relation to the environment where he must live. With wild ambitions and desires untamed, we are spawned out into a shoreless sea of moving molecules of life, each seperate atom journeying on an un-

known course, regardless of the countless other lives it meets as it blindly rushes on; no lights nor headlands stand to point the proper way the voyager should take, he is left to sail an untried bark across an angry sea. If no disaster should befall, it does not show that the traveler is wise or good, but that his ambitions and desires are few or he has kept close inside the harbor line. At first we seek to swim the flood, to scale the rocky heights, to clutch the twinkling stars. Of course we fail and fall, and the scars our passions and ambitions leave, remain, though all our particles are made anew year after year. We learn at last to leave the stars to shine where they belong, to take all things as they are and adjust our lives to what must be.

The philosophy of life can come only from those experiences that leave lasting scars and results that will not die. Rather than seek to cover up these gaping wounds, we should accept with grace the tales they tell, and show them as trophies of the strife we have passed through. Those scars are honorable that have brought our lives into greater harmony with the universal power. For resist it as we will, this infinite, loving presence will ever claim us as a portion of its self until

our smallest fragments return once more to earth, and are united with the elements from which we came.

No life can be rounded and complete without the education that the skeleton alone can give. Until it came we never knew the capacities of the human soul. We had learned by rote to be forgiving, kind and true. But the anguish of the human soul cannot be told—it must be felt or never known. That charity born of true comradeship, which is the highest and holiest sentiment of life, can be taught by the skeleton alone. The self-righteous, who prate of forgiveness to their fellow men and who look down upon their sinning brothers from above, are hypocrites or fools. They either have not lived or else desire to pass for something they are not. No one can understand the devious, miry paths trodden by another soul unless he himself has wandered through the night.

Those placid, human lives that have moved along a narrow, even path; that learned by rote the lessons that the churches and the schools have ever taught; whose perfection consists in refraining from doing certain things in certain ways; who never had a noble thought or felt a great desire to help their fellow men—those blameless, aim-

less, worthless souls, are neither good nor bad. They neither feel nor think; no skeleton would deem it worth its while to come inside their door.

The world judges the conduct of youth by the standards of age. Even when due allowance is made for the inexperience and haste of the young, it is assumed that youth and age are measured by the calendar alone. Few have ever been wise enough to know that every passion and circumstance must be fully weighed, before an honest verdict can be written down; and that therefore only the infinite can judge a human soul.

Though accursed, doubted, and despised, Nature ever persists in her relentless plan. She would make us learn the lessons that youth so easily forgets. She finds us headstrong, unreasoning, and moved by the same feelings that sway the brute. She decrees that every act, however blind or wilful, must leave its consequences on our lives, and these immortal consequences we treat as skeletons and lock them up. But these uncanny specters wrap us closely in their bony arms; they ever peer with sightless eyes into our soul; they are with us if we sleep or wake, and their persistent presence will not let us sleep. It is the hated, im-

prisoned skeleton that we vainly sought to hide away, that takes an untamed, fiery soul within its cruel, loving clasp, and holds it closely in its unforgiving grasp until the vain longings and wild desires of youth are subdued, and cooled, and the deeper harmonies of life are learned. It is the hated skeleton that finds within our breast a heart of flint and takes this hard and pulseless thing and scars and twists and melts it in a thousand tortuous ways until the stony mass is purged and softened and is sensitive to every touch.

It is this same despised skeleton that finds us vain and boastful and critical of other's sins, that watches every word we speak and even each unuttered thought; it is with us when we tightly draw our robes and pass our fellow on the other side; it hears us when we seek to show how good we are by boasting of our neighbor's sins; for every spot of black or red that we see upon another's robes, it points its bony fingers to a scar upon our heart, to remind us that we are like the rest; and the same finger ever points us to our wounds until we feel and understand that the clay the Master used for us was as weak and poor as that from which he made the rest.

However blind and stubborn we may be, however long we deny the lesson that the skeleton would teach, still it will not let us go until with perfect peace and harmony we look at all the present and the past, at all that was, and all that is, and feel no regrets for what is gone, and no fears for what must come. It may be that our stubborn, stiff-necked soul will still persist until the hair is white and the heavy shadows hang about our heads, but the skeleton with his soothing, softening ally, time, sits with the last watchers at our suffering bed, and goes if need be, to the silent grave, where alike the darkest crimson spot and the softest, purest clay are reunited once again with the loving, universal mother who has forgiven all and conquered all. It matters not how high we seem to climb, or what the careless world may think for good or ill. It matters not how many small ambitions we may seem to have achieved. Even the unworthy cannot be forever soothed by the hollow voice of fame. All triumphs are futile without the victory over self; and when the triumph over self is won, there are no more battles to be faught, for all the world is then at peace. It is the skeleton in the closet pointing ever to the mistakes and maladjustments

of our past, the skeleton standing there before our gaze that makes us still remember where our lives fell short; that teaches us so slowly but so surely to turn from the unworthy victories and the dire defeats of life to the mastery of ourselves. It is the skeleton from whom we learn that we can live without the world, but not without ourselves.

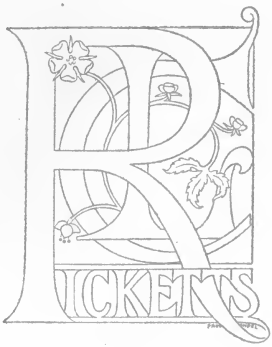
Without the skeleton we could never feel another's sorrow, or know another's pain. Philosophy and theology cannot tell us how another's life became a hopeless wreck. It is ourselves alone that reveals the precipice along which every footpath leads. It is from life we learn that it is but an accident when we fall, and equally an accident when we keep the path. The pupil of the schools may look down with pitying glance upon the unfortunate victim of what seems to be his sin. He may point to a love that will forgive and kindly plead with him to take another path, but the wayfarer that the skeleton has taught will clasp this fellow mortal to his heart, for in his face he sees but the reflection of himself. The wise and good may forgive the evil and the wrong, but only the sinner knows that there is no sin.

The charity that is born of life and sin is

not fine because of its effect on some one else, but for what it does for us. True charity is only the sense of the kinship of all living things. This is the charity that neither humiliates nor offends. It is the sense that brings a new meaning to life and a new purpose to the soul.

Let us do simple justice to this neglected, outcast guest, the useful, faithful teacher of our lives. Let us open the closet door, and let the skeleton come out, and lock the schoolmaster in its place. Let us leave this faithful friend to roam freely at its will. Let us look it squarley in the face with neither fear or shame, but with gratitude for the lessons it has taught. It may be that the jeering crowd will point in scorn as they see us with the grewsome figure at our side, but when we fully learn the lesson that it came to teach, we shall need to look no more without for the approval or disapproval of our acts, but seek to satisfy ourselves alone. Let us place a new chair beside the hearth, in the cosiest nook, and bid the skeleton take its place as the worthiest guest. Let us neither parade nor hide our new-found friend, but treat it as a fact of life—a fact that is, a fact that had the right to be, and a fact that taught us how to find ourselves. Let us not forget the

parents, who watch us in our youth, and the friends that were ever good and true. But above all, let us remember this grim and silent teacher, who never neglected or forgot, who showed us life as only it could show, who opened up new vistas to our soul, who touched our human hearts, who made us know and love our fellowman, who softened and mellowed and purified our souls until we felt the kinship that we bore to all living things. Until it came we knew only the surface of the world. Before it came, we had tasted of the shallow cup of joy and the bitter cup of pain, but we needed this to teach us from the anguish of the soul that there is a depth profound and great, where pain and pleasure both are one. That there is a life so deep and true that earth's rewards and penalties alike are but a hollow show; that there is a conquest of ourselves, which brings perfect peace and perfect rest.



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In Defense of
RICHARD LOEB and NATHAN LEOPOLD Jr
on Trial for Murder

Authorized and Revised Edition
Together with a brief Summary of
the Facts

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Chicago

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Society in its relation to those charged with crime, through its organized agencies first demanded revenge as a punishment, then protection, then restraint. Today it aims to reform or reconstruct the offender, and already anticipates the day when prevention of crime may become a practical achievement.

Clarence Darrow gave voice to this forward looking principle of social government in his eloquent plea before the bar of Justice, and has expressed it with such clearness and conviction that it must long remain as a masterpiece of pleading for the social outcast and the offender. As such the publishers have undertaken its publication.

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THE FACTS

On May 21, 1924, Robert Franks, aged fourteen, was picked up on one of the prominent streets of Chicago by an automobile which was in the possession of Nathan Leopold, Jr., and Richard Loeb. He was driven within half a block of Loeb's house and about the same distance from Frank's house, was hit on the head with a chisel and killed.

Robert Franks was in the front seat when the blow was struck. He was then pulled into the back seat and driven about twenty miles through some of the principal streets of Chicago and along the main automobile way. He was taken into the machine about half past four o'clock and taken by daylight through the main populated parts of the south side and that portion which is mostly frequented by automobiles. He was killed instantly and after this ride, his body was stripped and he was put into a culvert in a lonely spot about twenty miles from where he was picked up.

Nathan Leopold, Jr., was nineteen years old and Richard Loeb, eighteen years old. Loeb was well acquainted with young Franks. Before this time, Leopold and Loeb had prepared a letter addressed "Dear Sir," in which they demanded $10,000 ransom. Even the minute before Franks was picked up on the street neither Leopold nor Loeb had settled on the person they should kidnap. Immediately after the killing the ransom letter was addressed and mailed to the father of Robert Franks. All three families are people of considerable wealth.

Leopold was the youngest boy who ever graduated from the Chicago University and at the time, was preparing to enter Harvard Law College. Before entering

Harvard, he was to take a trip to Europe and had already purchased his ticket for the ocean voyage.

Loeb was the youngest graduate of the University of Michigan and was intending to study law. Both Leopold and Loeb had always been well supplied with money and there was no financial reason why they should have committed either the crime of kidnaping or that of murder.

When the body of Robert Franks was placed in the culvert, the eye glasses of Leopold dropped from his pocket and, after several other arrests, these were found by the police and identified as Leopold's glasses. At the time of their arrest, no one believed that they had anything to do with the kidnaping and killing. They were taken to the State's Attorney's office and after being in the custody of the attorneys and officers for about sixty hours, they confessed to the full details of the crime.

It was claimed by the defense that their minds were diseased and also that on account of their extreme youth, they should not be hanged.

The Illinois statutes provide that on a verdict or plea of guilty, a defendant may be sentenced to death or to a term in the penitentiary for not less than fourteen years and up to life.

The statute also provides that on a plea of guilty, "In all cases where the court possesses any discretion as to the extent of the punishment, it shall be the duty of the court to examine witnesses as to the aggravation and mitigation of the offense."

The defendants in this case pleaded guilty before Judge Caverly; thereupon evidence was offered both by the State and the defense on the question of aggravation and mitigation. Alienists were introduced by both sides, touching the mental condition of the two boys.

The hearing occupied about thirty days. The defendants were sentenced to the penitentiary for life.

PLEA OF CLARENCE DARROW

OUR HONOR, it has been almost three months since the great responsibility of this case was assumed by my associates and myself. I am willing to confess that it has been three months of great anxiety. A burden which I gladly would have been spared excepting for my feelings of affection toward some of the members of one of these unfortunate families. This responsibility is almost too great for any one to assume; but we lawyers can no more choose than the court can choose.

Our anxiety over this case has not been due to the facts that are connected with this most unfortunate affair, but to the almost unheard of publicity it has received; to the fact that newspapers all over this country have been giving it space such as they have almost never before given to any case. The fact that day after day the people of Chicago have been regaled with stories of all sorts about it, until almost every person has formed an opinion.

And when the public is interested and demands a punishment, no matter what the offense, great or small, it thinks of only one punishment, and that is death.

It may not be a question that involves the taking of human life; it may be a question of pure prejudice alone; but when the public speaks as one man it thinks only of killing.

We have been in this stress and strain for three months. We did what we could and all we could to gain the confidence of the public, who in the end really control, whether wisely or unwisely.

It was announced that there were millions of dollars to be spent on this case. Wild and extravagant stories were freely published as though they were facts. Here was to be an effort to save the lives of two boys by the use of money in fabulous amounts, amounts such as these families never even had.

We announced to the public that no excessive use of money would be made in this case, neither for lawyers nor for psychiatrists, or in any other way. We have faithfully kept that promise.

The psychiatrists, as has been shown by the evidence in this case, are receiving a per diem, and only a per diem, which is the same as is paid by the State.

The attorneys, at their own request, have agreed to take such amount as the officers of the Chicago Bar Association may think is proper in this case.

If we fail in this defense it will not be for lack of money. It will be on account of money. Money has been the most serious handicap that we have met. There are times when poverty is fortunate.

I insist, your Honor, that had this been the case of two boys of these defendants' age, unconnected with families supposed to have great wealth, there is not a State's Attorney in Illinois who would not have consented at once to a plea of guilty and a punishment in the penitentiary for life. Not one.

No lawyer could have justified any other attitude. No prosecution could have justified it.

We could have come into this court without evidence, without argument, and this court would have given to

us what every judge in the City of Chicago has given to every boy in the City of Chicago since the first capital case was tried. We would have had no contest.

We are here with the lives of two boys imperiled, with the public aroused.

For what?

Because, unfortunately, the parents have money. Nothing else.

I told your Honor in the beginning that never had there been a case in Chicago, where on a plea of guilty a boy under twenty-one had been sentenced to death. I will raise that age and say, never has there been a case where a human being under the age of twenty-three has been sentenced to death. And, I think I am safe in saying, although I have not examined all the records and could not—but I think I am safe in saying—that never has there been such a case in the State of Illinois.

And yet this court is urged, aye, threatened, that he must hang two boys contrary to precedents, contrary to the acts of every judge who ever held court in this state.

Why?

Tell me what public necessity there is for this.

Why need the State's Attorney ask for something that never before has been demanded?

Why need a judge be urged by every argument, moderate and immoderate, to hang two boys in the face of every precedent in Illinois, and in the face of the progress of the last fifty years?

Lawyers stand here by the day and read cases from the Dark Ages, where Judges have said that if a man had a grain of sense left and a child if he was barely out of his cradle, could be hanged because he knew the difference between right and wrong. Death sentences for eighteen, seventeen, sixteen and fourteen years have

been cited. Brother Marshall has not half done his job. He should read his beloved Blackstone again.

I have heard in the last six weeks nothing but the cry for blood. I have heard from the office of the State's Attorney only ugly hate.

I have heard precedents quoted which would be a disgrace to a savage race.

I have seen a court urged almost to the point of threats to hang two boys, in the face of science, in the face of philosophy, in the face of humanity, in the face of experience, in the face of all the better and more humane thought of the age.

Why did not my friend, Mr. Marshall, who dug up from the relics of the buried past these precedents that would bring a blush of shame to the face of a savage, read this from Blackstone:

"Under fourteen, though an infant shall be judged to be incapable of guile prima facie, yet if it appeared to the court and the jury that he was capable of guile, and could discern between good and evil, he may be convicted and suffer death."

Thus a girl thirteen has been burned for killing her mistress.

How this case would delight Dr. Krohn!

He would lick his chops over that more gleefully than over his dastardly homicidal attempt to kill these boys.

One boy of ten, and another of nine years of age, who had killed his companion were sentenced to death; and he of ten actually hanged.

Why?

He knew the difference between right and wrong. He had learned that in Sunday School.

Age does not count.

Why, Mr. Savage says age makes no difference, and

that if this court should do what every other court in Illinois has done since its foundation, and refuse to sentence these boys to death, no one else would ever be hanged in Illinois.

Well, I can imagine some results worse than that. So long as this terrible tool is to be used for a plaything, without thought or consideration, we ought to get rid of it for the protection of human life.

My friend Marshall has read Blackstone by the page, as if it had something to do with a fairly enlightened age, as if it had something to do with the year 1924, as if it had something to do with Chicago, with its boys' courts and its fairly tender protection of the young.

Now, your Honor, I shall discuss that more in detail a little later, and I only say it now because my friend Mr. Savage—did you pick him for his name or his ability or his learning?—because my friend Mr. Savage, in as cruel a speech as he knew how to make, said to this court that we plead guilty because we were afraid to do anything else.

Your Honor, that is true.

It was not correct that we would have defended these boys in this court; we believe we have been fair to the public. Anyhow, we have tried, and we have tried under terribly hard conditions.

We have said to the public and to this court that neither the parents, nor the friends, nor the attorneys would want these boys released. That they are as they are. Unfortunate though it be, it is true, and those the closest to them know perfectly well that they should not be released, and that they should be permanently isolated from society. We have said that; and we mean it. We are asking this court to save their lives, which is the least and the most that a judge can do.

We did plead guilty before your Honor because we were afraid to submit our cause to a jury. I would not for a moment deny to this court or to this community a realization of the serious danger we were in and how perplexed we were before we took this most unusual step.

I can tell your Honor why.

I have found that years and experience with life tempers one's emotions and makes him more understanding of his fellow man.

When my friend Savage is my age, or even yours, he will read his address to this court with horror.

I am aware that as one grows older he is less critical. He is not so sure. He is inclined to make some allowance for his fellow man. I am aware that a court has more experience, more judgment and more kindliness than a jury.

Your Honor, it may be hardly fair to the court, I am aware that I have helped to place a serious burden upon your shoulders. And at that, I have always meant to be your friend. But this was not an act of friendship.

I know perfectly well that where responsibility is divided by twelve, it is easy to say:

"Away with him."

But, your Honor, if these boys hang, you must do it. There can be no division of responsibility here. You can never explain that the rest overpowered you. It must be by your deliberate, cool, premeditated act, without a chance to shift responsibility.

It was not a kindness to you. We placed this responsibility on your shoulders because we were mindful of the rights of our clients, and we were mindful of the unhappy families who have done no wrong.

Now, let us see, your Honor, what we had to sustain us. Of course, I have known your Honor for a good

many years. Not intimately. I could not say that I could even guess from my experience what your Honor might do, but I did know something. I knew, your Honor, that ninety unfortunate human beings had been hanged by the neck until dead in the city of Chicago in our history. We would not have civilization except for those ninety that were hanged, and if we cannot make it ninety-two we will have to shut up shop. Some ninety human beings have been hanged in the history of Chicago, and of those only four have been hanged on the plea of guilty,—one out of twenty-two.

I know that in the last ten years four hundred and fifty people have been indicted for murder in the city of Chicago and have plead guilty. Four hundred and fifty have pleaded guilty in the city of Chicago, and only one has been hanged!—And my friend who is prosecuting this case deserves the honor of that hanging while he was on the bench. But his victim was forty years old.

Your Honor will never thank me for unloading this responsibility upon you, but you know that I would have been untrue to my clients if I had not concluded to take this chance before a court, instead of submitting it to a poisoned jury in the city of Chicago. I did it knowing that it would be an unheard of thing for any court, no matter who, to sentence these boys to death.

And, so far as that goes, Mr. Savage is right. I hope, your Honor, that I have made no mistake.

I could have wished that the State's Attorney's office had met this case with the same fairness that we have met it.

It has seemed to me as I have listened to this case five or six times repeating the story of this tragedy, spending days to urge your Honor that a condition of mind could

not mitigate, or that tender years could not mitigate, it has seemed to me that it ought to be beneath the representative of a proud state like this to invoke the dark and cruel and bloody past to affect this court and compass these boys' death.

Your Honor, I must for a moment criticize the arguments that have preceded me. I can read to you in a minute my friend Marshall's argument, barring Blackstone. But the rest of his arguments and the rest of Brother Savage's argument, I can sum up in a minute: *Cruel; dastardly; premeditated; fiendish; abandoned and malignant heart;*—sounds like a cancer—*cowardly*,—cold-blooded!

Now that is what I have listened to for three days against two minors, two children, who have no right to sign a note or make a deed.

Cowardly?

Well, I don't know. Let me tell you something that I think is cowardly, whether their acts were or not. Here is Dickie Loeb, and Nathan Leopold, and the State objects to anybody calling one "Dickie" and the other "Babe" although everybody does, but they think they can hang them easier if their names are Richard and Nathan, so, we will call them Richard and Nathan.

Eighteen and nineteen years old at the time of the homicide.

Here are three officers watching them. They are led out and in this jail and across the bridge waiting to be hanged. Not a chance to get away. Handcuffed when they get out of this room. Not a chance. Penned like rats in a trap; and for a lawyer with physiological eloquence to wave his fist in front of their faces and shout "Cowardly!" does not appeal to me as a brave act. It does not commend itself to me as a proper thing for a

State's Attorney or his assistant; for even defendants not yet hanged have some rights with an official. Cold-blooded? But I don't know, your Honor. I will discuss that a little later,—whether it was cold-blooded or not.

Cold-blooded? Why? Because they planned, and schemed, and arranged, and fixed?

Yes. But here are the officers of justice, so-called, with all the power of the State, with all the influence of the press, to fan this community into a frenzy of hate; with all of that, who for months have been planning and scheming, and contriving, and working to take these two boys' lives.

You may stand them up on the trap-door of the scaffold, and choke them to death, but that act will be infinitely more cold-blooded whether justified or not, than any act that these boys have committed or can commit.

Cold-blooded!

Let the State, who is so anxious to take these boys' lives, set an example in consideration, kindheartedness and tenderness before they call my clients cold-blooded.

I have heard this crime described; this most distressing and unfortunate homicide, as I would call it;—this cold-blooded murder, as the State would call it.

I call it a homicide particularly distressing because I am defending.

They call it a cold-blooded murder because they want to take human lives.

Call it what you will.

I have heard this case talked of, and I have heard these lawyers say that this is the coldest-blooded murder that the civilized world ever has known. I don't know what they include in the civilized world. I suppose Illinois. Although they talk as if they did not. But

we will assume Illinois. This is the most cold-blooded murder, says the State, that ever occurred.

Now, your Honor, I have been practicing law a good deal longer than I should have, anyhow, for forty-five or forty-six years, and during a part of that time I have tried a good many criminal cases, always defending. It does not mean that I am better. It probably means that I am more squeamish than the other fellows. It means neither that I am better nor worse. It means the way I am made. I can not help it.

I have never yet tried a case where the state's attorney did not say that it was the most cold-blooded, inexcusable, premeditated case that ever occurred. If it was murder, there never was such a murder. If it was robbery, there never was such a robbery. If it was a conspiracy, it was the most terrible conspiracy that ever happened since the star-chamber passed into oblivion. If it was larceny, there never was such a larceny.

Now, I am speaking moderately. All of them are the worst. Why? Well, it adds to the credit of the State's Attorney to be connected with a big case. That is one thing. They can say,—

"Well, I tried the most cold-blooded murder case that ever was tried, and I convicted them, and they are dead."

"I tried the worst forgery case that ever was tried, and I won that. I never did anything that was not big."

Lawyers are apt to say that.

And then there is another thing, your Honor: Of course, I generally try cases to juries, and these adjectives always go well with juries; bloody, cold-blooded, despicable, cowardly, dastardly, cruel, heartless,—the whole litany of the State's Attorney's office generally goes well with a jury. The twelve jurors, being good

themselves, think it is a tribute to their virtue if they follow the litany of the State's Attorney.

I suppose it may have some effect with the court; I do not know. Anyway, those are the chances we take when we do our best to save life and reputation.

"Here, your clients have pleaded guilty to the most cold-blooded murder that ever took place in the history of the world. And how does a judge dare to refuse to hang by the neck until dead two cowardly ruffians who committed the coldest blooded murder in the history of the world?"

That is a good talking point.

I want to give some attention to this cold-blooded murder, your Honor.

Was it a cold-blooded murder?

Was it the most terrible murder that ever happened in the State of Illinois?

Was it the most dastardly act in the annals of crime?

No.

I insist, your Honor, that under all fair rules and measurements, this was one of the least dastardly and cruel of any that I have known anything about.

Now, let us see how we should measure it.

They say that this was a cruel murder, the worst that ever happened. I say that very few murders ever occurred that were as free from cruelty as this.

There ought to be some rule to determine whether a murder is exceedingly cruel or not.

Of course, your Honor, I admit that I hate killing, and I hate it no matter how it is done,—whether you shoot a man through the heart, or cut his head off with an axe, or kill him with a chisel or tie a rope around his neck, I hate it. I always did. I always shall.

But, there are degrees, and if I might be permitted to

make my own rules I would say that if I were estimating what was the most cruel murder, I might first consider the sufferings of the victim.

Now, probably the State would not take that rule. They would say the one that had the most attention in the newspapers. In that way they have got me beaten at the start.

But I would say the first thing to consider is the degree of pain to the victim.

Poor little Bobby Franks suffered very little. There is no excuse for his killing. If to hang these two boys would bring him back to life, I would say let them go, and I believe their parents would say so, too. But:

> The moving finger writes, and having writ,
> Moves on; nor all your piety nor wit
> Shall lure it back to cancel half a line,
> Nor all your tears wash out a word of it.

Robert Franks is dead, and we cannot call him back to life. It was all over in fifteen minutes after he got into the car, and he probably never knew it or thought of it. That does not justify it. It is the last thing I would do. I am sorry for the poor boy. I am sorry for his parents. But, it is done.

Of course I cannot say with the certainty of Mr. Savage that he would have been a great man if he had grown up. At fourteen years of age I don't know whether he would or not. Savage, I suppose, is a mind reader, and he says that he would. He has a phantasy, which is hanging. So far as the cruelty to the victim is concerned, you can scarce imagine one less cruel.

Now, what else would stamp a murder as being a most atrocious crime?

First, I put the victim, who ought not to suffer; and next, I would put the attitude of those who kill.

What was the attitude of these two boys?

It may be that the State's Attorney would think that it was particularly cruel to the victim because he was a boy.

Well, my clients are boys, too, and if it would make more serious the offense to kill a boy, it should make less serious the offense of the boys who did the killing.

What was there in the conduct of these two boys which showed a wicked, malignant, and abandoned heart beyond that of anybody else, who ever lived? Your Honor, it is simply foolish.

Everybody who thinks knows the purpose of this. Counsel knows that under all the rules of the courts they have not the slightest right to ask this court to take life. Yet they urge it upon this court by falsely characterizing this as being the cruelest act that ever occurred. What about these two boys,—the second thing that would settle whether it was cruel or not?

Mr. Marshall read case after case of murders and he said: "Why, those cases don't compare with yours. Yours is worse." Worse, why? What were those cases? Most of his cases were robbery cases,—where a man went out with a gun to take a person's money and shot him down. Some of them were cases where a man killed from spite and hatred and malice. Some of them were cases of special atrocities, mostly connected with money. A man kills someone to get money, he kills someone through hatred. What is this case?

This is a senseless, useless, purposeless, motiveless act of two boys. Now, let me see if I can prove it. There was not a particle of hate, there was not a grain of

malice, there was no opportunity to be cruel except as death is cruel,—and death is cruel.

There was absolutely no purpose in it all, no reason in it all, and no motive for it all.

Now, let me see whether I am right or not.

I mean to argue this thoroughly, and it seems to me that there is no chance for a court to hesitate upon the facts in this case.

I want to try to do it honestly and plainly, and without any attempt at frills or oratory; to state the facts of this case just as the facts exist, and nothing else.

What does the State say about it?

In order to make this the most cruel thing that ever happened, of course they must have a motive. And what, do they say, was the motive?

Your Honor, if there was ever anything so foolish, so utterly futile as the motive claimed in this case, then I have never listened to it.

What did Tom Marshall say?

What did Joe Savage say?

"The motive was to get ten thousand dollars," say they.

These two boys, neither one of whom needed a cent, scions of wealthy people, killed this little inoffensive boy to get ten thousand dollars?

First let us call your attention to the opening statement of Judge Crowe, where we heard for the first time the full details of this homicide after a plea of guilty.

All right. He said these two young men were heavy gamblers, and they needed the money to pay gambling debts,—or on account of gambling.

Now, your Honor, he said this was atrocious, most atrocious, and they did it to get the money because they were gamblers and needed it to pay gambling debts.

What did he prove?

He put on one witness, and one only, who had played bridge with both of them in college, and he said they played for five cents a point.

Now, I trust your Honor knows better than I do how much of a game that would be. At poker I might guess, but I know little about bridge.

But what else?

He said that in a game one of them lost ninety dollars to the other one.

They were playing against each other, and one of them lost ninety dollars?

Ninety dollars!

Their joint money was just the same; and there is not another word of evidence in this case to sustain the statement of Mr. Crowe, who pleads to hang these boys. Your Honor, is it not trifling?

It would be trifling, excepting, your Honor, that we are dealing in human life. And we are dealing in more than that; we are dealing in the future fate of two families. We are talking of placing a blot upon the escutcheon of two houses that do not deserve it for nothing. And all that they can get out of their imagination is that there was a game of bridge and one lost ninety dollars to the other, and therefore they went out and committed murder.

What would I get if on the part of the defense we should resort to a thing like that? Could I expect anyone to have the slightest confidence in anything we have said? Your Honor knows that it is utterly absurd.

The evidence was absolutely worthless. The statement was made out of whole cloth, and Mr. Crowe felt like that policeman who came in here and perjured himself, as I will show you later on, who said that when

he was talking with Nathan Leopold, Jr., he told him the public were not satisfied with the motive.

I wonder if the public is satisfied with the motive? If there is any person in Chicago who under the evidence in this case would believe that this was the motive, then he is stupid. That is all I have to say for him;—just plain stupid.

But let us go further than that. Who were these two boys? And how did it happen?

On a certain day they killed poor little Robert Franks. I will not go over the paraphernalia, the letter demanding money, the ransom, because I will discuss that later in another connection. But they killed him. These two boys. They were not to get ten thousand dollars; they were to get five thousand dollars if it worked; that is, five thousand dollars each. Neither one could get more than five, and either one was risking his neck in the job. So each one of my clients was risking his neck for five thousand dollars, if it had anything to do with it, which it did not.

Did they need the money?

Why, at this very time, and a few months before, Dickie Loeb had three thousand dollars checking account in the bank. Your Honor, I would be ashamed to talk about this except that in all apparent seriousness they are asking to kill these two boys on the strength of this flimsy foolishness.

At that time Richard Loeb had a three thousand dollar checking account in the bank. He had three Liberty Bonds, one of which was past due, and the interest on each of them had not been collected for three years. I said, had not been collected; not a penny's interest had been collected,—and the coupons were there for three years. And yet they would ask to hang him on the theory

that he committed this murder because he needed money, and for money.

In addition to that we brought his father's private secretary here, who swears that whenever he asked for it, he got a check, without ever consulting the father. She had an open order to give him a check whenever he wanted it, and she had sent him a check in February, and he had lost it and had not cashed it. So he got another in March.

Your Honor, how far would this kind of an excuse go on the part of the defense? Anything is good enough to dump into a pot where the public are clamouring, and where the stage is set and where loud-voiced young attorneys are talking about the sanctity of the law, which means killing people; anything is enough to justify a demand for hanging.

How about Leopold?

Leopold was in regular receipt of one hundred and twenty-five dollars a month; he had an automobile; paid nothing for board and clothes, and expenses; he got money whenever he wanted it, and he had arranged to go to Europe and had bought his ticket and was going to leave about the time he was arrested in this case.

He passed his examination for the Harvard Law School, and was going to take a short trip to Europe before it was time for him to attend the fall term. His ticket had been bought, and his father was to give him three thousand dollars to make the trip.

Your Honor, jurors sometimes make mistakes, and courts do, too. If on this evidence the court is to construe a motive out of this case, then I insist that human liberty is not safe and human life is not safe. A motive could be construed out of any set of circumstances and facts that might be imagined.

In addition to that, these boys' families were extremely wealthy. The boys had been reared in luxury, they had never been denied anything; no want or desire left unsatisfied; no debts; no need of money; nothing.

And yet they murdered a little boy, against whom they had nothing in the world, without malice, without reason, to get five thousand dollars each. All right. All right, your Honor, if the court believes it, if anyone believes it, I can't help it.

That is what this case rests on. It could not stand up a minute without motive. Without it, it was the senseless act of immature and diseased children, as it was; a senseless act of children, wandering around in the dark and moved by some emotion, that we still perhaps have not the knowledge or the insight into life to thoroughly understand.

Now, let me go on with it. What else do they claim?

I want to say to your Honor that you may cut out every expert in this case, you may cut out every lay witness in this case, you may decide this case upon the facts as they appear here alone; and there is no sort of question but what these boys were mentally diseased.

I do not know, but I do not believe that there is any man who knows this case, who does not know that it can be accounted for only on the theory of the mental disease of these two lads.

First, I want to refer to something else. Mr. Marshall argues to this court that you can do no such thing as to grant us the almost divine favor of saving the lives of two boys, that it is against the law, that the penalty for murder is death; and this court, who, in the fiction of the lawyers and the judges, forgets that he is a human being and becomes a court, pulseless, emotionless, devoid of those common feelings which alone make men; that

this court as a human machine must hang them because they killed.

Now, let us see. I do not need to ask mercy from this court for these clients, nor for anybody else, nor for myself; though I have never yet found a person who did not need it.

But I do not ask mercy for these boys. Your Honor may be as strict in the enforcement of the law as you please and you cannot hang these boys. You can only hang them because back of the law and back of justice and back of the common instincts of man, and back of the human feeling for the young, is the hoarse voice of the mob which says, "Kill." I need ask nothing. What is the law of Illinois?

If one is found guilty of murder in the first degree by a jury, or if he pleads guilty before a court, the court or jury may do one of three things: he may hang; he may imprison for life; or, he may imprison for a term of not less than fourteen years. Now, why is that the law?

Does it follow from the statute that a court is bound to ascertain the impossible, and must necessarily measure the degrees of guilt? Not at all. He may not be able to do it. A court may act from any reason or from no reason. A jury may fix any one of these penalties as they see fit. Why was this law passed? Undoubtedly in recognition of the growing feeling in all the forward-thinking people of the United States against capital punishment. Undoubtedly, through the deep reluctance of courts and juries to take human life.

Without any reason whatever, without any facts whatever, your Honor must make the choice, and you have the same right to make one choice as another, no matter what Mr. Justice Blackstone says. It is your Honor's province; you may do it, and I need ask nothing in order

to have you do it. There is the statute. But there is more than that in this case.

We have sought to tell this court why he should not hang these boys. We have sought to tell this court, and to make this court believe, that they were diseased of mind, and that they were of tender age. However, before I discuss that, I ought to say another word in reference to the question of motive in this case. If there was no motive, except the senseless act of immature boys, then of course there is taken from this case all of the feeling of deep guilt upon the part of these defendants.

There was neither cruelty to the deceased, beyond taking his life—which is much—nor was there any depth of guilt and depravity on the part of the defendants, for it was a truly motiveless act, without the slightest feeling of hatred or revenge, done by a couple of children for no sane reason.

But, your Honor, we have gone further than that, and we have sought to show you, as I think we have, the condition of these boys' minds. Of course it is not an easy task to find out the condition of another person's mind. These experts in the main have told you that it is impossible to ascertain what the mind is, to start with; or to tell how it acts.

I will refer later, your Honor, to the purpose of asking for the ransom which has been clearly testified to here. I simply, so far, wish to show that the money had nothing whatever to do with the homicide.

The inadequacy of it all, the risk taken for nothing, the utter lack of need, the senselessness of it all, shows that it had nothing whatever to do with this crime, and that the reason is the reason that has been given by the boys.

Now, I was about to say that it needs no expert, it

needs nothing but a bare recitation of these facts, and a fair consideration of them, to convince any human being that this act was the act of diseased brains.

The state, in their usual effort to magnify and distort, to force every construction against the defendants, have spoken about this act having its inception in their going to Ann Arbor to steal a typewriter six months before.

This is on a plane par with their statement that this crime was committed for the purpose of getting ten thousand dollars.

What is the evidence?

The getting of the typewriter in Ann Arbor had nothing to do with this offense; not the slightest. The evidence in this case shows that they went to Ann Arbor on the 12th day of November. This act was committed on the 21st day of May.

They went to Ann Arbor one night, after the football game, drove through in the night time. Nobody knew they were going and nobody knew they had been there. They knew the next morning that somebody had been there, because they missed things.

They went there, under the evidence in this case, purely to steal something from the fraternity house. I will explain the reason for that further on. Among the rest of the things that they took was the typewriter on which these ransom letters were written.

And yet the State with its fertile imagination says:

"Aha, these wonderful planners." Who Dr. Krohn has told you showed such great knowledge, such active brain, such consistent action, such plans and such schemes that they must be sane. And yet a three-year-old child would not have done any of it.

These wonderful planners foresaw that six months later they were going to write a ransom letter to some-

body, and they were going to kill a boy; nobody knew who, or when, or where, or how.

And in asking for a ransom they would need a machine to write on, and so that they could not be detected they went to Ann Arbor and stole one.

There is some evidence somewhere in this record that on their way home from Ann Arbor they began to discuss this question of committing a perfect crime, which had been their phantasy for months.

The typewriter had nothing whatever to do with it, but to make it seem that they were schemers and planners, that they knew how to think and how to act, it is argued that they went all the way to Ann Arbor in the night time to steal a typewriter, instead of buying one here, or stealing one here, or getting one here, or using their own, or advertising for one, or securing one in any one of a hundred ways of getting a typewriter here.

Of course it is impossible on the face of it, but let us see what the evidence is. They did bring a typewriter from Ann Arbor and on that typewriter they wrote this so-called ransom letter, and after the boy had been killed they threw the typewriter into the lagoon, after twisting off the letters.

Why did they twist off the letters?

Well, I suppose anybody knows why. Because one who is fairly familiar with a typewriter knows that you can always detect the writing on almost every typewriter. There will be imperfect letters, imperfect tracking and imperfect this, that and the other, by which detection is accomplished, and probably they knew it.

But mark this: Leopold kept this typewriter in his house for six months. According to the testimony of the maid, he had written many letters on it. According to the testimony of his tutors he had written the dope sheets

for his law examination on it; numbers of them. These were still in existence. The State's Attorney got them; the typewriter could be identified without the machine at all. It was identified without the machine; all that was needed was to show that the same machine that wrote the ransom letter wrote the dope sheets and wrote the other letters.

No effort was made to conceal it through all these months. All the boys' friends knew it; the maid knew it, everybody in the house knew it; letters were sent out broadcast and the dope sheets were made from it for the examination. Were they trying to conceal it? Did they take a drive in the night time to Ann Arbor to get it, together with other stuff so that they might be tracked, or did they just get it with other stuff without any thought of this homicide that happened six months later?

The State says, in order to make out the wonderful mental processes of these two boys, that they fixed up a plan to go to Ann Arbor to get this machine, and yet when they got ready to do this act, they went down the street a few doors from their house and bought a rope; they went around the corner and bought acid; then went somewhere else nearby and bought tape; they went down to the hotel and rented a room, and then gave it up, and went to another hotel, and rented one there. And then Dick Loeb went to the hotel room, took a valise containing his library card and some books from the library, left it two days in the room, until the hotel took the valise and took the books. Then he went to another hotel and rented another room. He might just as well have sent his card with the ransom letter.

They went to the "Rent-a-Car" place and hired a car. All this clumsy machinery was gone through, without intelligence or method or rational thought. I submit,

your Honor, that no one, unless he had an afflicted mind, together with youth, could possibly have done it.

But let's get to something stronger than that. Were these boys in their right minds? Here were two boys with good intellect, one eighteen and one nineteen. They had all the prospects that life could hold out for any of the young; one a graduate of Chicago and another of Ann Arbor; one who had passed his examination for the Harvard Law School and was about to take a trip in Europe,—another who had passed at Ann Arbor, the youngest in his class, with three thousand dollars in the bank. Boys who never knew what it was to want a dollar; boys who could reach any position that was given to boys of that kind to reach; boys of distinguished and honorable families, families of wealth and position, with all the world before them. And they gave it all up for nothing, for nothing! They took a little companion of one of them, on a crowded street, and killed him, for nothing, and sacrificed everything that could be of value in human life upon the crazy scheme of a couple of immature lads.

Now, your Honor, you have been a boy; I have been a boy. And we have known other boys. The best way to understand somebody else is to put yourself in his place.

Is it within the realm of your imagination that a boy who was right, with all the prospects of life before him, who could choose what he wanted, without the slightest reason in the world would lure a young companion to his death, and take his place in the shadow of the gallows?

I do not care what Dr. Krohn may say; he is liable to say anything, except to tell the truth, and he is not liable to do that. No one who has the process of reason-

ing could doubt that a boy who would do that is not right.

How insane they are I care not, whether medically or legally. They did not reason; they could not reason; they committed the most foolish, most unprovoked, most purposeless, most causeless act that any two boys ever committed, and they put themselves where the rope is dangling above their heads.

There are not physicians enough in the world to convince any thoughtful, fair-minded man that these boys are right. Was their act one of deliberation, of intellect, or were they driven by some force such as Dr. White and Dr. Glueck and Dr. Healy have told this court?

There are only two theories; one is that their diseased brains drove them to it; the other is the old theory of possession by devils, and my friend Marshall could have read you books on that, too, but it has been pretty well given up in Illinois.

That they were intelligent and sane and sound and reasoning is unthinkable. Let me call your Honor's attention to another thing.

Why did they kill little Bobby Franks?

Not for money, not for spite; not for hate. They killed him as they might kill a spider or a fly, for the experience. They killed him because they were made that way. Because somewhere in the infinite processes that go to the making up of the boy or the man something slipped, and those unfortunate lads sit here hated, despised, outcasts, with the community shouting for their blood.

Are they to blame for it? There is no man on earth who can mention any purpose for it all or any reason for it all. It is one of those things that happened; that

happened, and it calls not for hate but for kindness, for charity, for consideration.

I heard the State's Attorney talk of mothers.

Mr. Savage is talking for the mothers, and Mr. Crowe is thinking of the mothers, and I am thinking of the mothers. Mr. Savage, with the immaturity of youth and inexperience, says that if we hang them there will be no more killing. This world has been one long slaughter house from the beginning until today, and killing goes on and on and on, and will forever. Why not read something, why not study something, why not think instead of blindly shouting for death?

Kill them. Will that prevent other senseless boys or other vicious men or vicious women from killing? No!

It will simply call upon every weak minded person to do as they have done. I know how easy it is to talk about mothers when you want to do something cruel. But I am thinking of the mothers, too. I know that any mother might be the mother of a little Bobby Franks, who left his home and went to his school, and who never came back. I know that any mother might be the mother of Richard Loeb and Nathan Leopold, just the same. The trouble is this, that if she is the mother of a Nathan Leopold or of a Richard Loeb, she has to ask herself the question:

"How came my children to be what they are? From what ancestry did they get this strain? How far removed was the poison that destroyed their lives? Was I the bearer of the seed that brings them to death?"

Any mother might be the mother of any of them. But these two are the victims. I remember a little poem that gives the soliloquy of a boy about to be hanged, a soliloquy such as these boys might make:

"The night my father got me
His mind was not on me;
He did not plague his fancy
To muse if I should be
The son you see.

The day my mother bore me
She was a fool and glad,
For all the pain I cost her,
That she had borne the lad
That borne she had.

My father and my mother
Out of the light they lie;
The warrant would not find them,
And here, 'tis only I
Shall hang so high.

O let not man remember
The soul that God forgot,
But fetch the county sheriff
And noose me in a knot,
And I will rot.

And so the game is ended,
That should not have begun.
My father and my mother
They had a likely son,
And I have none."

No one knows what will be the fate of the child he gets or the child she bears; the fate of the child is the last thing they consider. This weary old world goes on, begetting, with birth and with living and with death; and all of it is blind from the beginning to the end. I

do not know what it was that made these boys do this mad act, but I do know there is a reason for it. I know they did not beget themselves. I know that any one of an infinite number of causes reaching back to the beginning might be working out in these boys' minds, whom you are asked to hang in malice and in hatred and injustice, because someone in the past has sinned against them.

I am sorry for the fathers as well as the mothers, for the fathers who give their strength and their lives for educating and protecting and creating a fortune for the boys that they love; for the mothers who go down into the shadow of death for their children, who nourish them and care for them, and risk their lives, that they may live, who watch them with tenderness and fondness and longing, and who go down into dishonor and disgrace for the children that they love.

All of these are helpless. We are all helpless. But when your are pitying the father and the mother of poor Bobby Franks, what about the fathers and mothers of these two unfortunate boys, and what about the unfortunate boys themselves, and what about all the fathers and all the mothers and all the boys and all the girls who tread a dangerous maze in darkness from birth to death?

Do you think you can cure it by hanging these two? Do you think you can cure the hatreds and the maladjustments of the world by hanging them? You simply show your ignorance and your hate when you say it. You may here and there cure hatred with love and understanding, but you can only add fuel to the flames by cruelty and hate.

What is my friend's idea of justice? He says to this court, whom he says he respects—and I believe he does

—your Honor, who sits here patiently, holding the lives of these two boys in your hands:

"Give them the same mercy that they gave to Bobby Franks."

Is that the law? Is that justice? Is this what a court should do? Is this what a State's Attorney should do? If the state in which I live is not kinder, more human, more considerate, more intelligent than the mad act of these two boys, I am sorry that I have lived so long.

I am sorry for all fathers and all mothers. The mother who looks into the blue eyes of her little babe cannot help musing over the end of the child, whether it will be crowned with the greatest promises which her mind can image or whether he may meet death upon the scaffold. All she can do is to rear him with love and care, to watch over him tenderly, to meet life with hope and trust and confidence, and to leave the rest with fate.

Your Honor, last night I was speaking about what is perfectly obvious in this case, that no human being could have done what these boys did, excepting through the operation of a diseased brain. I do not propose to go through each step of the terrible deed,—it would take too long. But I do want to call the attention of this court to some of the other acts of these two boys, in this distressing and weird homicide; acts which show conclusively that there could be no reason for their conduct.

I spoke about their registering at a hotel, and leaving their names behind them, without a chance to escape. I referred to these weird letters which were written and mailed after the boy was dead.

I want to come down now to the actions on the afternoon of the tragedy.

Without any excuse, without the slightest motive, not

moved by money, not moved by passion or hatred, by nothing except the vague wanderings of children, they rented a machine, and about four o'clock in the afternoon started to find somebody to kill. For nothing.

They went over to the Harvard School. Dick's little brother was there, on the playground. Dick went there himself in open daylight, known by all of them, he had been a pupil there himself, the school was near his home, and he looked over the little boys.

Your Honor has been in these courts for a long time; you have listened to murder cases before. Has any such case ever appeared here or in any of the books? Has it ever come to the human experience of any judge, or any lawyer, or any person of affairs? Never once!

Ordinarily there would be no sort of question of the condition of these boys' minds. The question is raised only because their parents have money.

They first picked out a little boy named Levinson, and Dick trailed him around.

Now, of course, that is a hard story. It is a story that shocks one. A boy bent on killing, not knowing where he would go or who he would get, but seeking some victim.

Here is a little boy, but the circumstances are not opportune, and so he fails to get him.

As I think of that story of Dick trailing this little boy around, there comes to my mind a picture of Dr. Krohn; for sixteen years going in and out of the court rooms in this building and other buildings, trailing victims without regard to the name or sex or age or surroundings. But he had a motive, and his motive was cash, as I will show further. One was the mad act of a child; the other the cold, deliberate act of a man getting his living by dealing in blood.

Dick abandons that lead; Dick and Nathan are in the car, and they see Bobby Franks on the street, and they call to him to get into the car. It is about five o'clock in the afternoon, in the long summer days, on a thickly settled street, built up with homes, the houses of their friends and their companions known to everybody, automobiles appearing and disappearing, and they take him in the car—for nothing.

If there had been a question of revenge, yes; if there had been a question of hate, where no one cares for his own fate, intent only on accomplishing his end, yes. But without any motive or any reason they picked up this little boy right in sight of their own homes, and surrounded by their neighbors. They drive a little way, on a populous street, where everybody could see, where eyes might be at every window as they pass by. They hit him over the head with a chisel and kill him, and go on about their business, driving this car within half a block of Loeb's home, within the same distance of Frank's home, drive it past the neighbors that they knew, in the open highway, in broad daylight. And still men will say that they have a bright intellect, and, as Dr. Krohn puts it, can orient themselves and reason as well as he can, possibly, and it is the sane act of sane men.

I say again, whatever madness and hate and frenzy may do to the human mind, there is not a single person who reasons who can believe that one of these acts was the act of men, of brains that were not diseased. There is no other explanation for it. And had it not been for the wealth and the weirdness and the notoriety, they would have been sent to the psychopathic hospital for examination, and been taken care of, instead of the state demanding that this court take the last pound of flesh and the last drop of blood from two irresponsible lads.

They pull the dead boy into the back seat, and wrap him in a blanket, and this funeral car starts on its route.

If ever any death car went over the same route or the same kind of a route driven by sane people, I have never heard of it, and I fancy no one else has ever heard of it.

This car is driven for twenty miles. First down through thickly populated streets, where everyone knew the boys and their families, and had known them for years, till they come to The Midway Boulevard, and then take the main line of a street which is traveled more than any other street on the south side except in the loop, among automobiles that can scarcely go along on account of the number, straight down The Midway through the regular route of Jackson Park, Nathan Leopold driving this car, and Dick Loeb on the back seat, and the dead boy with him.

The slightest accident, the slightest misfortune, a bit of curiosity, an arrest for speeding, anything would bring destruction. They go down The Midway, through the park, meeting hundreds of machines, in sight of thousands of eyes, with the dead boy.

For what? For nothing! The mad acts of the fool in King Lear is the only thing I know of that compares with it. And yet doctors will swear that it is a sane act. They know better.

They go down a thickly populated street through South Chicago, and then for three miles take the longest street to go through this city; built solid with business, buildings, filled with automobiles backed upon the street, with street cars on the track, with thousands of peering eyes; one boy driving and the other on the back seat, with the corpse of little Bobby Franks, the blood streaming from him, wetting everything in the car.

And yet they tell me that this is sanity; they tell me

that the brains of these boys are not diseased. You need no experts, you need no X-rays; you need no study of the endocrines. Their conduct shows exactly what it was, and shows that this court has before him two young men who should be examined in a psychopathic hospital and treated kindly and with care. They get through South Chicago, and they take the regular automobile road down toward Hammond. There is the same situation; hundreds of machines; any accident might encompass their ruin. They stop at the forks of the road, and leave little Bobby Franks, soaked with blood, in the machine, and get their dinner, and eat it without an emotion or a qualm.

Your Honor, we do not need to believe in miracles; we need not resort to that in order to get blood. If it were any other case, there could not be a moment's hesitancy as to what to do.

I repeat, you may search the annals of crime, and you can find no parallel. It is utterly at variance with every motive and every act and every part of conduct that influences normal people in the commission of crime. There is not a sane thing in all of this from the beginning to the end. There was not a normal act in any of it, from its inception in a diseased brain, until today, when they sit here awaiting their doom.

But we are told that they planned. Well, what does that mean? A maniac plans, an idiot plans; an animal plans; any brain that functions may plan; but their plans were the diseased plans of the diseased mind. Do I need to argue it? Does anybody need to more than glance at it? Is there any man with a fair intellect and a decent regard for human life, and the slightest bit of heart that does not understand this situation?

And still, your Honor, on account of its weirdness

and its strangeness, and its advertising, we are forced to fight. For what? Forced to plead to this court that two boys, one eighteen and the other nineteen, may be permitted to live in silence and solitude and disgrace and spend all their days in the penitentiary. Asking this court and the State's Attorney to be merciful enough to let these two boys be locked up in a prison until they die.

I sometimes wonder if I am dreaming. If in the first quarter of the twentieth century there has come back into the hearts of men, the hate and feeling and the lust for blood which possesses the primitive savage of barbarous lands.

What do they want? Tell me, is a life time for the young boys spent behind prison bars,—is that not enough for this mad act? And is there any reason why this great public should be regaled by a hanging?

I can not understand it, your Honor. It would be past belief, excepting that to the four corners of the earth the news of this weird act has been carried and men have been stirred, and the primitive has come back, and the intellect has been stifled, and men have been controlled by feelings and passions and hatred which should have died centuries ago.

My friend Savage pictured to you the putting of this dead boy in this culvert. Well, no one can minutely describe any killing and not make it shocking. It is shocking. It is shocking because we love life and because we instinctively draw back from death. It is shocking wherever it is and however it is, and perhaps all death is almost equally shocking.

But here is the picture of a dead boy, past pain, when no harm can come to him, put in a culvert, after taking off his clothes so that the evidence would be destroyed; and that is pictured to this court as a reason for hanging.

Well, your Honor, that does not appeal to me as strongly as the hitting over the head of little Robert Franks with a chisel. The boy was dead.

I could say something about the death penalty that, for some mysterious reason, the state wants in this case. Why do they want it? To vindicate the law? Oh, no. The law can be vindicated without killing anyone else. It might shock the fine sensibilities of the state's counsel that this boy was put into a culvert and left after he was dead, but, your Honor, I can think of a scene that makes this pale into insignificance. I can think, and only *think*, your Honor, of taking two boys, one eighteen and the other nineteen, irresponsible, weak, diseased, penning them in a cell, checking off the days and the hours and the minutes, until they will be taken out and hanged. Wouldn't it be a glorious day for Chicago? Wouldn't it be a glorious triumph for the State's Attorney? Wouldn't it be a glorious triumph for justice in this land? Wouldn't it be a glorious illustration of Christianity and kindness and charity? I can picture them, wakened in the gray light of morning, furnished a suit of clothes by the state, led to the scaffold, their feet tied, black caps drawn over their heads, stood on a trap door, the hangman pressing a spring, so that it gives way under them; I can see them fall through space—and—stopped by the rope around their necks.

This would surely expiate placing Bobbie Franks in the culvert after he was dead. This would doubtless bring immense satisfaction to some people. It would bring a greater satisfaction because it would be done in the name of justice. I am always suspicious of righteous indignation. Nothing is more cruel than righteous indignation. To hear young men talk glibly of justice. Well, it would make me smile if it did not make me

sad. Who knows what it is? Does Mr. Savage know? Does Mr. Crowe know? Do I know? Does your Honor know? Is there any human machinery for finding it out? Is there any man can weigh me and say what I deserve? Can your Honor? Let us be honest. Can your Honor appraise yourself, and say what you deserve? Can your Honor appraise these two young men and say what they deserve? Justice must take account of infinite circumstances which a human being can not understand.

If there is such a thing as justice it could only be administered by one who knew the inmost thoughts of the man to whom they were meting it out. Aye, who knew the father and mother and the grandparents and the infinite number of people back of him? Who knew the origin of every cell that went into the body, who could understand the structure, and how it acted? Who could tell how the emotions that sway the human being affected that particular frail piece of clay? It means more than that. It means that you must appraise every influence that moves them, the civilization where they live, and all society which enters into the making of the child or the man! If your Honor can do it—if you can do it you are wise, and with wisdom goes mercy.

No one with wisdom and with understanding, no one who is honest with himself and with his own life whoever he may be, no one who has seen himself the prey and the sport and the plaything of the infinite forces that move man, no one who has tried and who has failed, —and we have all tried and we have all failed,—no one can tell what justice is for someone else or for himself—and the more he tries and the more responsibility he takes the more he clings to mercy as being the one

thing which he is sure should control his judgment of men.

It is not so much mercy either, your Honor. I can hardly understand myself pleading to a court to visit mercy on two boys by shutting them into a prison for life.

For life! Where is the human heart that would not be satisfied with that?

Where is the man or woman who understands his own life and who has a particle of feeling that could ask for more. Any cry for more, roots back to the hyena; it roots back to the hissing serpent; it roots back to the beast and the jungle. It is not a part of man. It is not a part of that feeling which, let us hope, is growing, though scenes like this sometimes make me doubt that it is growing; it is not a part of that feeling of mercy and pity and understanding of each other which we believe has been slowly raising man from his low estate. It is not a part of the finer instincts which are slow to develop; of the wider knowledge which is slow to come, and slow to move us when it comes. It is not a part of all that makes the best there is in man. It is not a part of all that promises any hope for the future and any justice for the present. And must I ask that these boys get mercy by spending the rest of their lives in prison, year following year, month following month, and day following day, with nothing to look forward to but hostile guards and stone walls? It ought not to be hard to get that much mercy in any court in the year 1924. These boys left this body down in the culvert and they came back; telephoned, first;—telephoned home that they would be too late for supper. Here, surely, was an act of consideration on the part of Leopold, telephoning home that he would be late for supper. Dr. Krohn

says he must be able to think and act because he could do this. But the boy who through habit would telephone his home that he would be late for supper had not a tremor or a thought or a shudder at taking the life of little Bobby Franks for nothing, and he has not had one yet. He was in the habit of doing what he did, when he telephoned,—that was all; but in the presence of life and death, and a cruel death, he had no tremor, and no thought.

They came back. They got their dinners. They parked the bloody automobile in front of Leopold's house. They cleaned it to some extent that night and left it standing in the street in front of their home.

"Oriented," of course. "Oriented." They left it there for the night, so that anybody might see and might know. They took it into the garage the next day and washed it, and then poor little Dickie Loeb—I shouldn't call him Dickie, and I shouldn't call him poor, because that might be playing for sympathy, and you have no right to ask for sympathy in this world: You should ask for justice, whatever that may be; and only State's Attorneys know.

And then in a day or so we find Dick Loeb with his pockets stuffed with newspapers telling of the Franks tragedy. We find him consulting with his friends in the club, with the newspaper reporters; and my experience is that the last person that a conscious criminal associates with is a reporter. He even shuns them more than he does a detective, because they are smarter and less merciful. But he picks up a reporter, and he tells him he has read a great many detective stories, and he knows just how this would happen and that the fellow who telephoned must have been down on 63rd Street,

and the way to find him is to go down on 63rd Street and visit the drug stores, and he would go with him.

And Dick Loeb pilots reporters around the drug stores where the telephoning was done, and he talks about it, and he takes the newspapers, and takes them with him, and he is having a glorious time. And yet he is "perfectly oriented," in the language of Dr. Krohn. "Perfectly oriented." Is there any question about the condition of his mind? Why was he doing it? He liked to hear about it. He had done something that he could not boast of directly, but he did want to hear other people talk about it, and he looked around there, and helped them find the place where the telephone message was sent out.

Your honor has had experience with criminals and you know how they act. Was any such thing as this ever heard of before on land or sea? Does not the man who knows what he is doing, who for some reason has been overpowered and commits what is called a crime, keep as far away from it as he can? Does he go to the reporters and help them hunt it out? There is not a single act in this case that is not the act of a diseased mind, not one.

Talk about scheming. Yes, it is the scheme of disease; it is the scheme of infancy; it is the scheme of fools; it is the scheme of irresponsibility from the time it was conceived until the last act in the tragedy. And yet we have to talk about it, and argue about it, when it is obvious to anyone who cares to know the truth. But they must be hanged, because everybody is talking about the case, and their people have money. Am I asking for much in this case? Let me see for a moment now. Is it customary to get anything on a plea of guilty? How about the State's Attorney? Do they not give you some-

thing on a plea of guilty? How many times has your honor listened to the State's Attorney come into this court, with a man charged with robbery with a gun, which means from ten years to life, and on condition of a plea of guilty, ask to have the gun charge stricken out, and get a sentence of three to twenty years, with a chance to see daylight inside of three years? How many times? How many times has the State's Attorney himself asked consideration for everything including murder, not only for the young, but even the old? How many times have they come into this court, and into every court, not only here but everywhere, and asked for it? Your honor knows. I will guarantee that three times out of four in criminal cases, and much more than that in murder, ninety-nine times out of one hundred, and much more than that; I would say not twice in a thousand times has the state failed to give consideration to the defendant on a plea.

How many times has your honor been asked to change a sentence, and not hold a man guilty of robbery with a gun, and give him a chance on a plea of guilty—not a boy but a man?

How many times have others done it, and over and over and over again? And it will be done so long as justice is fairly administered; and in a case of a charge of robbery with a gun, coupled with larceny, how many times have both the robbery and the gun been waived, and a plea of larceny made, so that the defendant might be released in a year?

How many times has all of it been waived, and the defendant given a year in the bridewell? Many and many a time because they are boys,—and youth has terrible responsibilities, and youth should have advantages; and with sane and humane people, youth, the protection

of childhood, is always one of the first concerns of the state. It is one of the first in the human heart, and it is one of the first in the human mind.

How many times has rape been changed to assault, and the defendant given a year, or even a Bridewell sentence? How many times has mercy come even from the State's Attorney's office? I am not criticizing. It should come and I am telling this court what this court knows. And yet forsooth, for some reason, here is a case of two immature boys of diseased mind, as plain as the light of day, and they say you can get justice only by shedding their last drop of blood!

Why? I can ask the question easier than I can answer it. Why? It is unheard of, unprecedented in this court, unknown among civilized men. And yet this court is to make an example or civilization will fail. I suppose civilization will survive if your Honor hangs them. But it will be a terrible blow that you shall deal. Your Honor will be turning back over the long, long road we have traveled. You will be turning back from the protection of youth and infancy. Your Honor would be turning back from the treatment of children. Your Honor would be turning back to the barbarous days which Brother Marshall seems to love, when they burned people thirteen years of age. You would be dealing a staggering blow to all that has been done in the City of Chicago in the last twenty years for the protection of infancy and childhood and youth.

And for what? Because the people are talking about it. Nothing else. It would not mean, your Honor, that your reason was convinced. It would mean in this land of ours, where talk is cheap, where newspapers are plenty, where the most immature expresses his opinion, and the more immature the stronger, that a court couldn't help

feeling the great pressure of the public opinion which they say exists in this case.

Coming alone in this court room with obscure defendants, doing what has been done in this case, coming with the outside world shut off, as in most cases, and saying to this court and counsel:

"I believe that these boys ought not to be at large, I believe they are immature and irresponsible, and I am willing to enter a plea of guilty and let you sentence them to life imprisonment," how long do you suppose your Honor would hesitate? Do you suppose the State's Attorneys would raise their voices in protest?

You know it has been done too many times. And here for the first time, under these circumstances, this court is told that you must make an example.

Let us take some other cases. How many times has a defendant come into this court charged with burglary and larceny, and because of youth or because of something else the State's Attorney has waived the burglary, and consented to a year for larceny; no more than that.

Let me ask this question.

How many times, your Honor, have defendants come into this court—and I am not speaking of your Honor's court alone; I am speaking of all the criminal courts in this country—have defendants come in charged with a burglary and larceny and been put on parole, told to go and sin no more, given another chance? It is true in almost all cases of the young, except for serious aggravation.

Can you administer law without consideration? Can you administer what approaches justice without it? Can this court or any court administer justice by consciously turning his heart to stone and being deaf to all the finer

instincts which move men? Without those instincts I wonder what would happen to the human race?

If a man could judge a fellow in coldness without taking account of his own life, without taking account of what he knows of human life, without some understanding,—how long would we be a race of real human beings? It has taken the world a long time for man to get to even where he is today. If the law was administered without any feeling of sympathy or humanity or kindliness, we would begin our long, slow journey back to the jungle that was formerly our home.

How many times has assault with intent to rob or kill been changed in these courts to assault and battery? How many times has felony been waived in assault with a deadly weapon and a man or a boy given a chance? And we are asking a chance to be shut up in stone walls for life. For life. It is hard for me to think of it, but that is the mercy we are asking from this court, which we ought not to be required to ask, and which we should have as a matter of right in this court and which I have faith to believe we will have as a matter of right.

Is this new? Why, I undertake to say that even the State's Attorney's office, and if he denies it I would like to see him bring in the records—I will undertake to say that in three cases out of four of all kinds and all degrees, clemency has been shown.

Three hundred and forty murder cases in ten years with a plea of guilty in this county. All the young who pleaded guilty—every one of them, three hundred and forty in ten years with one hanging on a plea of guilty, and that a man forty years of age. And yet they say we come here with a preposterous plea for mercy. When did any plea for mercy become preposterous in any tribunal in all the universe?

We are satisfied with justice, if the court knows what justice is, or if any human being can tell what justice is. If anybody can look into the minds and hearts and the lives and the origin of these two youths and tell what justice is, we would be content. But nobody can do it without imagination, without sympathy, without kindliness, without understanding, and I have faith that this court will take this case, with his conscience, and his judgment and his courage and save these boys' lives.

Now, your honor, let me go a little further with this. I have gone over some of the high spots in this tragedy. This tragedy has not claimed all the attention it has had on account of its atrocity. There is nothing to that. What is it? There are two reasons, and only two that I can see. First is the reputed extreme wealth of these families; not only the Loeb and Leopold families, but the Franks family, and of course it is unusual. And next is the fact it is weird and uncanny and motiveless. That is what attracted the attention of the world. Many may say now that they want to hang these boys; but I know that giving the people blood is something like giving them their dinner. When they get it they go to sleep. They may for the time being have an emotion, but they will bitterly regret it. And I undertake to say that if these two boys are sentenced to death, and are hanged on that day there will be a pall settle over the people of this land that will be dark and deep, and at least cover every humane and intelligent person with its gloom. I wonder if it will do good. I wonder if it will help the children—and there is an infinite number like these. I marveled when I heard Mr. Savage talk. I do not criticize him. He is young and enthusiastic. But has he ever read anything? Has he ever thought? Was there ever any man who had studied science, who has

read anything of criminology or philosophy,—was there ever any man who knew himself who could speak with the assurance with which he speaks?

What about this matter of crime and punishment, anyhow? I may know less than the rest, but I have at least tried to find out, and I am fairly familiar with the best literature that has been written on that subject in the last hundred years. The more men study, the more they doubt the effect of severe punishment on crime. And yet Mr. Savage tells this court that if these boys are hanged, there will be no more murder.

Mr. Savage is an optimist. He says that if the defendants are hanged there will be no more boys like these.

I could give him a sketch of punishment, punishment beginning with the brute which killed something because something hurt it; the punishment of the savage; if a person is injured in the tribe, they must injure somebody in the other tribe; it makes no difference who it is, but somebody. If one is killed his friends or family must kill in return.

You can trace it all down through the history of man. You can trace the burnings, the boilings, the drawings and quarterings, the hanging of people in England at the crossroads, carving them up and hanging them as examples for all to see.

We can come down to the last century when nearly two hundred crimes were punishable by death, and by death in every form; not only hanging—that was too humane—but burning, boiling, cutting into pieces, torturing in all conceivable forms.

You can read the stories of the hangings on a high hill, and the populace for miles around coming out to the scene, that everybody might be awed into goodness.

Hanging for picking pockets—and more pockets were picked in the crowd that went to the hanging than had been known before. Hangings for murder—and men were murdered on the way there and on the way home. Hangings for poaching, hangings for everything and hangings in public, not shut up cruelly and brutally in a jail, out of the light of day, wakened in the night time and led forth and killed, but taken to the shire town on a high hill, in the presence of a multitude, so that all might see that the wages of sin were death.

What happened? I have read the life of Lord Shaftesbury, a great nobleman of England, who gave his life and his labors toward modifying the penal code. I have read of the slow, painful efforts through all the ages for more humanity of man to his fellowman. I know what history says, I know what it means, and I know what flows from it, so far as we can tell, which is not with certainty.

I know that every step in the progress of humanity has been met and opposed to prosecutors, and many times by courts. I know that when poaching and petty larceny was punishable by death in England, juries refused to convict. They were too humane to obey the law; and judges refused to sentence. I know that when the delusion of witchcraft was spreading over Europe, claiming its victims by the millions, many a judge so shaped his cases that no crime of witchcraft could be punished in his court. I know that these trials were stopped in America because juries would no longer convict. I know that every step in the progress of the world in reference to crime has come from the human feelings of man. It has come from that deep well of sympathy, that in spite of all our training and all our conventions and all our

teaching, still lives in the human breast. Without it there could be no human life on this weary old world.

Gradually the laws have been changed and modified, and men look back with horror at the hangings and the killings of the past. What did they find in England? That as they got rid of these barbarous statutes crimes decreased instead of increased; as the criminal law was modified and humanized, there was less crime instead of more. I will undertake to say, your Honor, that you can scarcely find a single book written by a student—and I will include all the works on criminology of the past—that has not made the statement over and over again that as the penal code was made less terrible, crimes grew less frequent.

Now let us see a little about the psychology of man. It is easy, your Honor. Anybody can understand it if he just looks into himself. This weird tragedy occurred on the 21st of May. It has been heralded broadcast through the world. How many attempted kidnappings have come since then? How many threatening letters have been sent out by weak minded boys and weak minded men since then? How many times have they sought to repeat again and again this same crime because of the effect of publicity upon the mind? I can point to examples of killing and hanging in the city of Chicago which have been repeated in detail over and over again, simply from the publicity of the newspapers and the public generally.

Let us take this case. Let's see whether we can guess about it. Still it is not a guess.

If these two boys die on the scaffold, which I can never bring myself to imagine,—if they do die on the scaffold, the details of this will be spread over the world. Every newspaper in the United States will carry a full

account. Every newspaper of Chicago will be filled with the gruesome details. It will enter every home and every family.

Will it make men better or make men worse? I would like to put that to the intelligence of man, at least such intelligence as they have. I would like to appeal to the feelings of human beings so far as they have feelings,—would it make the human heart softer or would it make hearts harder? How many men would be colder and crueler for it? How many men would enjoy the details, and you cannot enjoy human suffering without being affected for better or for worse; those who enjoyed it would be affected for the worse.

What influence would it have upon the millions of men who will read it? What influence would it have upon the millions of women who will read it, more sensitive, more impressionable, more imaginative than men? Would it help them if your Honor should do what the state begs you to do? What influence would it have upon the infinite number of children who will devour its details as Dicky Loeb has enjoyed reading detective stories? Would it make them better or would it make them worse? The question needs no answer. You can answer it from the human heart. What influence, let me ask you, will it have for the unborn babes still sleeping in their mother's womb? And what influence will it have on the psychology of the fathers and mothers yet to come? Do I need to argue to your Honor that cruelty only breeds cruelty?—that hatred only causes hatred; that if there is any way to soften this human heart which is hard enough at its best, if there is any way to kill evil and hatred and all that goes with it, it is not through evil and hatred and cruelty; it is through charity, and love and understanding.

How often do people need to be told this? Look back at the world. There is not a man who is pointed to as an example to the world who has not taught it. There is not a philosopher, there is not a religious leader, there is not a creed that has not taught it. This is a Christian community, so-called, at least it boasts of it, and yet they would hang these boys in a Christian community. Let me ask this court, is there any doubt about whether these boys would be safe in the hands of the founder of the Christian religion? It would be blasphemy to say they would not. Nobody could imagine, nobody could even think of it. And yet there are men who want to hang them for a childish, purposeless act, conceived without the slightest malice in the world.

Your Honor, I feel like apologizing for urging it so long. It is not because I doubt this court. It is not because I do not know something of the human emotions and the human heart. It is not that I do not know that every result of logic, every page of history, every line of philosophy and religion, every precedent in this court, urges this court to save life. It is not that. I have become obsessed with this deep feeling of hate and anger that has swept across this city and this land. I have been fighting it, battling with it, until it has fairly driven me mad, until I sometimes wonder whether every righteous human emotion has not gone down in the raging storm.

I am not pleading so much for these boys as I am for the infinite number of others to follow, those who perhaps cannot be as well defended as these have been, those who may go down in the storm, and the tempest, without aid. It is of them I am thinking, and for them I am begging of this court not to turn backward toward the barbarous and cruel past.

Now, your Honor, who are these two boys?

Leopold, with a wonderfully brilliant mind; Loeb, with an unusual intelligence;—both from their very youth crowded like hothouse plants, to learn more and more and more. Dr. Krohn says that they are intelligent. In spite of that, it is true:—they are unusually intelligent. But it takes something besides brains to make a human being who can adjust himself to life.

In fact, as Dr. Church and as Dr. Singer regretfully admitted, brains are not the chief essential in human conduct. There is no question about it. The emotions are the urge that make us live; the urge that makes us work or play, or move along the pathways of life. They are the instinctive things. In fact, intellect is a late development of life. Long before it was evolved, the emotional life kept the organism in existence until death. Whatever our action is, it comes from the emotions, and nobody is balanced without them.

The intellect does not count so much. Let me call the attention of the court to two or three cases. Four or five years ago the world was startled by a story about a boy of eleven, the youngest boy ever turned out at Harvard, who had studied everything on earth and understood it; he was simply a freak. He went through Harvard much younger than anybody else. All questions of science and philosophy he could discuss with the most learned. How he got it nobody knows. It was prophesied that he would have a brilliant future. I do not know his name, and it is not necessary. In a short time the fire had burned out. He was a prodigy, with nothing but this marvelous brain power, which nobody understood or could understand. He was an intellectual freak. He never was a boy; he never will be a completed normal man. Harvard had another of the same kind some years

before, unbalanced, impossible,—an intellectual machine. Nature works in mysterious ways. We have all read of Blind Tom, who was an idiot, and yet a marvelous musician. He never could understand music, and he never did understand it; he never knew anything about it; and yet he could go to the piano and play so well that people marveled and wondered. How it comes nobody can explain.

The question of intellect means the smallest part of life. Back of this are man's nerves, muscles, heart, blood, lungs—in fact, the whole organism; the brain is the least part in human development. Without the emotion-life man is nothing. How is it with these two boys? Is there any question about them?

I insist there is not the slightest question about it. All teaching and all training appeals, not only to the intellectual, but to emotional life. A child is born with no ideas of right and wrong, just with plastic brain, ready for such impressions as come to it, ready to be developed. Lying, stealing, killing are not wrong to the child. These mean nothing.

Gradually his parents and his teachers tell him things, teach him habits, show him that he may do this and he may not do that, teach him the difference between his and mine. No child knows this when he is born. He knows nothing about property or property rights. They are given to him as he goes along. He is like the animal that wants something and goes out and gets it, kills it, operating purely from instinct, without training.

The child is gradually taught, and habits are built up. These habits are supposed to be strong enough so that they will form inhibitions against conduct when the emotions come in conflict with the duties of life. Dr. Singer and Dr. Church, both of them, admitted exactly what I

am saying now. The child of himself knows nothing about right and wrong, and the teachings built up give him habits, so he will be able to control certain instincts that surge upon him, and which surge upon everyone who lives. If the instinct is strong enough and the habit weak enough, the habit goes down before it. Both of these eminent men admit it. There can be no question about it. His conduct depends upon the relative strength of the instinct and the habit that has been built up.

Education means fixing these habits so deeply in the life of man that they stand him in stead when he needs them to keep him in the path,—and that is all it does mean. Suppose one sees a thousand dollar bill and nobody present. He may have the impulse to take it. If he does not take it, it will be because his emotional nature revolts at it, through habit and through training. If the emotional nature does not revolt at it he will do it. That is why people do not commit what we call crime; that, and caution. All education means is the building of habits so that certain conduct revolts you and stops you, saves you; but without an emotional nature you cannot do that. Some are born practically without it.

How about this case?

The state put on three alienists and Dr. Krohn. Two of them, Dr. Patrick and Dr. Church are undoubtedly able men. One of them, Dr. Church, is a man whom I have known for thirty years, and for whom I have the highest regard.

On Sunday, June 1st, before any of the friends of these boys or their counsel could see them, while they were in the care of the State's Attorney's office, they brought them in to be examined by these alienists. I am not going to discuss that in detail as I may later on. Dr. Patrick said this:

The only thing unnatural he noted about it was that they had no emotional reactions. Dr. Church said the same. These are their alienists, not ours. These boys could tell this gruesome story without a change of countenance, without the slightest feelings. There were no emotional reactions to it. What was the reason? I do not know. How can I tell why? I know what causes the emotional life. I know it comes from the nerves, the muscles, the endocrine glands, the vegetative system. I know it is the most important part of life. I know it is practically left out of some. I know that without it men cannot live. I know that without it they cannot act with the rest. I know they cannot feel what you feel and what I feel; that they cannot feel the moral shocks which come to men who are educated and who have not been deprived of an emotional system or emotional feelings. I know it, and every person who has honestly studied this subject knows it as well. Is Dickey Loeb to blame because out of the infinite forces that conspired to form him, the infinite forces that were at work producing him ages before he was born, that because out of these infinite combinations he was born without it? If he is, then there should be a new definition for justice. Is he to blame for what he did not have and never had? Is he to blame that his machine is imperfect? Who is to blame? I do not know. I have never in my life been interested so much in fixing blame as I have in relieving people from blame. I am not wise enough to fix it. I know that somewhere in the past that entered into him something missed. It may be defective nerves. It may be a defective heart or liver. It may be defective endocrine glands. I know it is something. I know that nothing happens in this world without a cause.

I know, your Honor, that if you, sitting here in this

court, and in this case, had infinite knowledge you could lay your fingers on it, and I know you would not visit it on Dickey Loeb. I asked Dr. Church and I asked Dr. Singer whether, if they were wise enough to know, they could not find the cause, and both of them said yes. I know that they and Loeb are just as they are, and that they did not make themselves. There are at least two theories of man's responsibility. There may be more. There is the old theory that if a man does something it is because he wilfully, purposely, maliciously and with a malignant heart sees fit to do it. And that goes back to the possession of man by devils. The old indictments used to read that a man being possessed of a devil did so and so. But why was he possessed with the devil? Did he invite him in? Could he help it? Very few half-civilized people believe that doctrine any more. Science has been at work, humanity has been at work, scholarship has been at work, and intelligent people now know that every human being is the product of the endless heredity back of him and the infinite environment around him. He is made as he is and he is the sport of all that goes before him and is applied to him, and under the same stress and storm, you would act one way and I act another, and poor Dickey Loeb another.

Dr. Church said so and Dr. Singer said so, and it is the truth. Take a normal boy, your Honor. Do you suppose he could have taken a boy into an automobile without any reason and hit him over the head and killed him? I might just as well ask you whether you thought the sun could shine at midnight in this latitude. It is not a part of normality. Something was wrong. I am asking your Honor not to visit the grave and dire and terrible misfortunes of Dickey Loeb and Nathan Leopold upon these two boys. I do not know where to place it. I

know it is somewhere in the infinite economy of nature, and if I were wise enough I could find it. I know it is there, and to say that because they are as they are you should hang them, is brutality and cruelty, and savors of the fang and claw.

There can be no question on the evidence in this case. Dr. Church and Dr. Patrick both testified that these boys have no emotional reactions in reference to this crime. Every one of the alienists on both sides has told this court, what no doubt this court already knew, that the emotions furnish the urge and the drive to life. A man can get along without his intellect, and most people do, but he cannot get along without his emotions. When they did make a brain for man, they did not make it good enough to hurt, because emotions can still hold sway. He eats and he drinks, he works and plays and sleeps, in obedience to his emotional system. The intellectual part of man acts only as a judge over his emotions, and then he generally gets it wrong, and has to rely on his instincts to save him.

These boys—I do not care what their mentality—that simply makes it worse—are emotionally defective. Every single alienist who has testified in this case has said so. The only person who did not was Dr. Krohn. While I am on that subject, lest I forget the eminent doctor, I want to refer to one or two things. In the first place, all these alienists that the State called came into the State's Attorney's office and heard these boys tell their story of this crime, and that is all they heard.

Now, your Honor is familiar with Chicago the same as I am, and I am willing to admit right here and now that the two ablest alienists in Chicago are Dr. Church and Dr. Patrick. There may be abler ones, but we lawyers do not know them.

And I will go further: If my friend Crowe had not got to them first, I would have tried to get them. There is no question about it at all. I said I would have tried to; I didn't say I would, and yet I suspect I would. And I say that, your Honor, without casting the slightest reflection on either of them, for I really have a high regard for them, and aside from that a deep friendship for Dr. Church. And, I have considerable regard for Dr. Singer. I will go no further now.

We could not get them, and Mr. Crowe was very wise, and he deserves a great deal of credit for the industry, the research and the thoroughness that he and his staff have used in detecting this terrible crime.

He worked with intelligence and rapidity. If here and there he trampled on the edges of the constitution I am not going to talk about it here. If he did it, he is not the first one in that office and probably will not be the last who will do it, so let that go. A great many people in this world believe the end justifies the means. I don't know but that I do myself. And that is the reason I never want to take the side of the prosecution, because I might harm an individual. I am sure the State will live anyhow.

On that Sunday afternoon before we had a chance, he got in two alienists, Church and Patrick, and also called Dr. Krohn, and they sat around hearing these boys tell their stories, and that is all.

Your Honor, they were not holding an examination. They were holding an inquest, and nothing else. It has not the slightest reference to, or earmarks of, an examination for sanity. It was just an inquest; a little premature, but still an inquest.

What is the truth about it? What did Patrick say? He said that it was not a good opportunity for examina-

tion. What did Church say? I read from his own book what was necessary for an examination, and he said that it was not a good opportunity for an examination. What did Krohn say? "Fine—a fine opportunity for an examination," the best he had ever heard of, or that ever anybody had, because, their souls were stripped naked. Krohn is not an alienist. He is an orator. He said, because their souls were naked to them. Well, if Krohn's was naked, there would not be much to show. But Patrick and Church said that the conditions were unfavorable for an examination, that they never would choose it, that their opportunities were poor. And yet Krohn states the contrary—Krohn, who by his own admissions, for sixteen years has not been a physician, but has used a license for the sake of haunting these courts, civil and criminal, and going up and down the land peddling perjury. He has told your Honor what he has done, and there is scarcely a child on the street who does not know it, there is not a judge in the court who does not know it; there is not a lawyer at the bar who does not know it; there is not a physician in Chicago who does not know it; and I am willing to stake the lives of these two boys on the court knowing it, and I will throw my own in for good measure. What else did he say, in which the State's alienists dispute him?

Both of them say that these boys showed no adequate emotion. Krohn said they did. One boy fainted. They had been in the hands of the State's Attorney for sixty hours. They had been in the hands of policemen, lawyers, detectives, stenographers, inquisitors and newspaper men for sixty hours, and one of them fainted. Well, the only person who is entirely without emotion is a dead man. You cannot live without breathing and some emotional responses. Krohn says: "Why, Loeb had

emotion. He was polite; begged our pardon; got up from his chair"; even Dr. Krohn knows better than that. I fancy if your Honor goes into an elevator where there is a lady he takes off his hat. Is that out of emotion for the lady or is it habit? You say, "Please," and "thank you," because of habit. Emotions haven't the slightest thing to do with it. Mr. Leopold has good manners. Mr. Loeb has good manners. They have been taught them. They have lived them. That does not mean that they are emotional. It means training. That is all it means. And Dr. Krohn knew it.

Krohn told the story of this interview and he told almost twice as much as the other two men who sat there and heard it. And how he told it—how he told it!

When he testified my mind carried me back to the time when I was a kid, which was some years ago, and we used to eat watermelons. I have seen little boys take a rind of watermelon and cover their whole faces with water, eat it, devour it, and have the time of their lives, up to their ears in watermelon. And when I heard Dr. Krohn testify in this case, to take the blood of these two boys, I could see his mouth water with the joy it gave him, and he showed all the delight and pleasure of myself and my young companions when we ate watermelon.

I can imagine a psychiatrist, a real one who knows the mechanism of man, who knows life and its machinery, who knows the misfortunes of youth, who knows the stress and the strain of adolescence which comes to every boy and overpowers so many, who knows the weird fantastic world that hedges around the life of a child—I can imagine a psychiatrist who might honestly think that under the crude definitions of the law the defendants were sane and know the difference between right and wrong. But if he were a real physician, whose mission

is the highest that man can follow, to save life and minister to human suffering—to save life regardless of what the life is—to prevent suffering, regardless of whose suffering it is—and no mission could be higher than that—that if this was his mission, instead of testifying in court; and if he were called on for an opinion that might send his fellowman to doom, I can imagine him doing it. I can imagine him doing it reluctantly, carefully, modestly, timorously, fearfully, and being careful that he did not turn one hair to the right or left more than he should, and giving the advantage in favor of life and humanity and mercy, but I can never imagine a real physician who cared for life or who thought of anything excepting cash, gloating over his testimony, as Dr. Krohn did in this case.

Without any consideration of the lives and the trainings of these boys, without any evidence from experts, I have tried to make a plain statement of the facts of this case, and I believe, as I have said repeatedly, that no one can honestly study the facts and conclude that anything but diseased minds was responsible for this terrible act. Let us see how far we can account for it, your Honor.

So far we have determined whether men are diseased of mind or normal from their conduct alone. This line of conduct shows disease and that line of conduct shows normality. We have not been able with any satisfaction to peer into the brain and see its workings; to analyze the human system and see where it has gone awry. Science is doing something, but so far has done little, and we have been compelled to make up our minds from conduct as to the condition of the minds of men.

The mind, of course, is an illusive thing. Whether it exists or not no one can tell. It cannot be found as you

find the brain. Its relation to the brain and the nervous system is uncertain. It simply means the activity of the body, which is co-ordinated with the brain. But when we do find from human conduct that we believe there is a diseased mind, we naturally speculate on how it came about. And we wish to find always, if possible, the reason why it is so. We may find it; we may not find it; because the unknown is infinitely wider and larger than the known, both as to the human mind and as to almost everything else in the Universe.

It has not been so very long since the insane were supposed to be possessed of devils, and since criminals were supposed to be possessed of devils, when wise men solved intricate questions by saying that devils possessed human beings. It has not been so very long since it was supposed that diseased persons were possessed of devils, which must be driven out to cure the disease. We have gone further than this. We understand that there is some connection between the workings of the mind and the working of the body. We understand something of the physical basis of life. We understand something of the intricate mechanism which may fail in some minute part and cause such serious havoc in human conduct.

I have tried to study the lives of these two most unfortunate boys. Three months ago, if their friends and the friends of the family had been asked to pick out the most promising lads of their acquaintance, they probably would have picked these two boys. With every opportunity, with plenty of wealth, they would have said that those two would succeed.

In a day, by an act of madness, all this is destroyed, until the best they can hope for now is a life of silence and pain, continuing to the end of their years.

How did it happen?

Let us take Dickie Loeb first.

I do not claim to know how it happened; I have sought to find out. I know that something, or some combination of things, is responsible for his mad act. I know that there are no accidents in nature. I know that effect follows cause. I know that, if I were wise enough, and knew enough about this case, I could lay my finger on the cause. I will do the best I can, but it is largely speculation.

The child, of course, is born without knowledge.

Impressions are made upon its mind as it goes along. Dickie Loeb was a child of wealth and opportunity. Over and over in this court your Honor has been asked, and other courts have been asked, to consider boys who have no chance; they have been asked to consider the poor, whose home had been the street, with no education and no opportunity in life, and they have done it, and done it rightfully.

But your Honor, it is just as often a great misfortune to be the child of the rich as it is to be the child of the poor. Wealth has its misfortunes. Too much, too great opportunity and advantage given to a child has its misfortunes, and I am asking your Honor to consider the rich as well as the poor (and nothing else). Can I find what was wrong? I think I can. Here was a boy at a tender age, placed in the hands of a governess, intellectual, vigorous, devoted, with a strong ambition for the welfare of this boy. He was pushed in his studies, as plants are forced in hot houses. He had no pleasures, such as a boy should have, except as they were gained by lying and cheating. Now, I am not criticising the nurse. I suggest that some day your Honor look at her picture. It explains her fully. Forceful, brooking no interference, she loved the boy, and her ambition was

that he should reach the highest perfection. No time to pause, no time to stop from one book to another, no time to have those pleasures which a boy ought to have to create a normal life. And what happened? Your Honor, what would happen? Nothing strange or unusual. This nurse was with him all the time, except when he stole out at night, from two to fourteen years of age, and it is instructive to read her letter to show her attitude. It speaks volumes; tells exactly the relation between these two people. He, scheming and planning as healthy boys would do, to get out from under her restraint. She, putting before him the best books, which children generally do not want; and he, when she was not looking, reading detective stories, which he devoured, story after story, in his young life. Of all of this there can be no question. What is the result? Every story he read was a story of crime. We have a statute in this state, passed only last year, if I recall it, which forbids minors reading stories of crime. Why? There is only one reason. Because the legislature in its wisdom felt that it would produce criminal tendencies in the boys who read them. The legislature of this state has given its opinion, and forbidden boys to read these books. He read them day after day. He never stopped. While he was passing through college at Ann Arbor he was still reading them. When he was a senior he read them, and almost nothing else.

Now, these facts are beyond dispute. He early developed the tendency to mix with crime, to be a detective; as a little boy shadowing people on the street; as a little child going out with his phantasy of being the head of a band of criminals and directing them on the street. How did this grow and develop in him? Let us see. It seems to me as natural as the day following the night. Every

detective story is a story of a sleuth getting the best of it; trailing some unfortunate individual through devious ways until his victim is finally landed in jail or stands on the gallows. They all show how smart the detective is, and where the criminal himself falls down.

This boy early in his life conceived the idea that there could be a perfect crime, one that nobody could ever detect; that there could be one where the detective did not land his game; a perfect crime. He had been interested in the story of Charley Ross, who was kidnapped. He was interested in these things all his life. He believed in his childish way that a crime could be so carefully planned that there would be no detection, and his idea was to plan and accomplish a perfect crime. It would involve kidnapping, and involve murder. I might digress here just a moment, because my friend Savage spoke about two crimes that were committed here—kidnaping and murder. That is, the court should hang them twice—once for each. There are more than two committed here. There are more than two crimes committed in almost every capital act.

An attempt to extort money was committed. A conspiracy to do each one was committed. Carrying firearms was committed. I could probably mention half a dozen if I tried, but it is all one thing, and counsel knows it is all one thing.

Is this anything new in criminal practice?

Why, your Honor, we have it every day in these courts. In almost any important crime the State's Attorney can write indictments as long as the paper lasts, not only counts, but indictments. Take a case of burning a building for insurance. (Two people). There is the crime of arson. There is the crime of burning a building to defraud an insurance company. There is conspiracy to

commit arson. There is conspiracy to burn a building to defraud an insurance company. And I might mention others, all in the one act. Burglary and larceny includes a number of crimes, especially if there are two or more persons involved. It is nothing new. This was really one offense and one only. They could have made six out of it, or one out of it, or two out of it. But it is only one thing. Just like any other important crime.

They wanted to commit a perfect crime. There had been growing in his brain, dwarfed and twisted—as every act in this case shows it to have been dwarfed and twisted —there had been growing this scheme, not due to any wickedness of Dickie Loeb, for he is a child. It grew as he grew; it grew from those around him; it grew from the lack of the proper training until it possessed him. He believed he could beat the police. He believed he could plan the perfect crime. He had thought of it and talked of it for years. Had talked of it as a child; had worked at it as a child, and this sorry act of his, utterly irrational and motiveless, a plan to commit a perfect crime which must contain kidnaping, and there must be ransom, or else it could not be perfect, and they must get the money.

The state itself in opening this case said that it was largely for experience and for a thrill, which it was. In the end the state switched it on to the foolish reason of getting cash.

Every fact in this case shows that cash had almost nothing to do with it, except as a factor in the perfect crime; and to commit the perfect crime there must be a kidnaping, and a kidnaping where they could get money, and that was all there was of it. Now, these are the two theories of this case, and I submit, your Honor, under the facts in this case, that there can be no question but that we are right. This phantasy grew in the mind of

Dickie Loeb almost before he began to read. It developed as a child just as kleptomania has developed in many a person and is clearly recognized by the courts. He went from one thing to another—in the main insignificant, childish things. Then, the utterly foolish and stupid and unnecessary thing of going to Ann Arbor to steal from a fraternity house, a fraternity of which he was a member. And, finally, the planning for this crime. Murder was the least part of it; to kidnap and get the money, and kill in connection with it; that was the childish scheme growing up in these childish minds. And they had it in mind for five or six months—planning what? Planning where every step was foolish and childish; acts that could have been planned in an hour or a day; planning this, and then planning that, changing this and changing that; the weird actions of two mad brains.

Counsel have laughed at us for talking about phantasies and hallucinations. They have laughed at us in one breath, but admitted it in another. Let us look at that for a moment, your Honor. Your Honor has been a child. I well remember that I have been a child. And while youth has its advantages, it has its grievous troubles. There is an old prayer, 'Though I grow old in years, let me keep the heart of a child.' The heart of a child with its abundant life, its disregard for consequences, its living in the moment, and for the moment alone; its lack of responsibility, and its freedom from care.

The law knows and has recognized childhood for many and many a long year. What do we know about childhood? The brain of the child is the home of dreams, of castles, of visions, of illusions and of delusions. In fact, there could be no childhood without delusions, for

delusions are always more alluring than facts. Delusions, dreams and hallucinations are a part of the warp and woof of childhood. You know it and I know it. I remember, when I was a child, the men seemed as tall as the trees, the trees as tall as the mountains. I can remember very well when, as a little boy, I swam the deepest spot in the river for the first time. I swam breathlessly, and landed with as much sense of glory and triumph as Julius Cæsar felt when he led his army across the Rubicon. I have been back since, and I can almost step across the same place, but it seemed an ocean then. And those men whom I thought were so wonderful were dead and left nothing behind. I had lived in a dream. I had never known the real world which I met, to my discomfort and despair, and that dispelled the illusions of my youth.

The whole life of childhood is a dream and an illusion, and whether they take one shape or another shape depends not upon the dreamy boy but on what surrounds him. As well might I have dreamed of burglars and wished to be one as to dream of policemen and wished to be one. Perhaps I was lucky, too, that I had no money. We have grown to think that the misfortune is in not having it. The great misfortune in this terrible case is the money. That has destroyed their lives. That has fostered these illusions. That has promoted this mad act. And, if your Honor shall doom them to die, it will be because they are the sons of the rich.

Do you suppose that if they lived up here on the Northwest Side and had no money, with the evidence as clear in this case as it is, that any human being would want to hang them? Excessive wealth is a grievous misfortune in every step in life. When I hear foolish people, when I read malicious newspapers talking of

excessive fees in this case, it makes me ill. That there is nothing bigger in life, that it is presumed that no man lives to whom money is not the first concern, that human instincts, sympathy and kindness and charity and logic can only be used for cash. It shows how deeply money has corrupted the hearts of most men.

Now, to get back to Dickie Loeb. He was a child. The books he read by day were not the books he read by night. We are all of us moulded somewhat by the influences around us (and of those), to people who read, perhaps books are the greatest and the strongest influences.

I know where my life has been moulded by books, amongst other things. We all know where our lives have been influenced by books. The nurse, strict and jealous and watchful, gave him one kind of books; by night he would steal off and read the other.

Which, think you, shaped the life of Dickie Loeb? Is there any kind of question about it? A child: Was it pure maliciousness? Was a boy of five or six or seven to blame for it? Where did he get it? He got it where we all get our ideas, and these books became a part of his dreams and a part of his life, and as he grew up his visions grew to hallucinations.

He went out on the street and fantastically directed his companions, who were not there, in their various moves to complete the perfect crime. Can there be any sort of question about it?

Suppose, your Honor, that instead of this boy being here in this court, under the plea of the state that your Honor shall pronounce a sentence to hang him by the neck until dead, he had been taken to a pathological hospital to be analyzed, and the physicians had inquired into his case, what would they have said? There is

only one thing that they could possibly have said. They would have traced everything back to the gradual growth of the child.

That is not all there is about it. Youth is hard enough. The only good thing about youth is that it has no thought and no care; and how blindly we can do things when we are young!

Where is the man who has not been guilty of delinquencies in youth? Let us be honest with ourselves. Let us look into our own hearts. How many men are there today—lawyers and congressmen and judges, and even state's attorneys—who have not been guilty of some mad act in youth? And if they did not get caught, or the consequences were trivial, it was their good fortune.

We might as well be honest with ourselves, your Honor. Before I would tie a noose around the neck of a boy I would try to call back into my mind the emotions of youth. I would try to remember what the world looked like to me when I was a child. I would try to remember how strong were these instinctive, persistent emotions that moved my life. I would try to remember how weak and inefficient was youth in the presence of the surging, controlling feelings of the child. One that honestly remembers and asks himself the question and tries to unlock the door that he thinks is closed, and calls back the boy, can understand the boy.

But, your Honor, that is not all there is to boyhood. Nature is strong and she is pitiless. She works in her own mysterious way, and we are her victims. We have not much to do with it ourselves. Nature takes this job in hand, and we play our parts. In the words of old Omar Khayaam, we are only

"Impotent pieces in the game He plays
Upon this checkerboard of nights and days,
Hither and thither moves, and checks, and slays,
And one by one back in the closet lays."

What had this boy to do with it? He was not his own father; he was not his own mother; he was not his own grandparents. All of this was handed to him. He did not surround himself with governesses and wealth. He did not make himself. And yet he is to be compelled to pay.

There was a time in England, running down as late as the beginning of the last century, when judges used to convene court and call juries to try a horse, a dog, a pig, for crime. I have in my library a story of a judge and jury and lawyers trying and convicting an old sow for lying down on her ten pigs and killing them.

What does it mean? Animals were tried. Do you mean to tell me that Dickie Loeb had any more to do with his making than any other product of heredity that is born upon the earth?

At this period of life it is not enough to take a boy —your Honor, I wish I knew when to stop talking about this question that always has interested me so much— it is not enough to take a boy filled with his dreams and his phantasies and living in an unreal world, but the age of adolescence comes on him with all the rest.

What does he know? Both these boys are in the adolescent age; both these boys, as every alienist in this case on both sides tells you, are in the most trying period of the life of a child; both these boys, when the call of sex is new and strange; both these boys, at a time seeking to adjust their young lives to the world, moved by the strongest feelings and passions that have ever moved

men; both these boys, at the time boys grow insane, at the time crimes are committed; all of this is added to all the rest of the vagaries of their lives. Shall we charge them with full responsibility that we may have a hanging? That we may deck Chicago in a holiday garb and let the people have their fill of blood; that you may put stains upon the heart of every man, woman and child on that day, and that the dead walls of Chicago will tell the story of the shedding of their blood?

For God's sake, are we crazy? In the face of history, of every line of philosophy, against the teaching of every religionist and seer and prophet the world has ever given us, we are still doing what our barbaric ancestors did when they came out of the caves and the woods.

From the age of fifteen to the age of twenty or twenty-one, the child has the burden of adolescence, of puberty and sex thrust upon him. Girls are kept at home and carefully watched. Boys without instruction are left to work the period out for themselves. It may lead to excess. It may lead to disgrace. It may lead to perversion. Who is to blame? Who did it? Did Dickie Loeb do it?

Your Honor, I am almost ashamed to talk about it. I can hardly imagine that we are in the 20th Century. And yet there are men who seriously say that for what Nature has done, for what life has done, for what training has done, you should hang these boys.

Now, there is no mystery about this case, your Honor. I seem to be criticising their parents. They had parents who were kind and good and wise in their way. But I say to you seriously that the parents are more responsible than these boys. And yet few boys had better parents.

Your Honor, it is the easiest thing in the world to be a parent. We talk of motherhood, and yet every woman

can be a mother. We talk of fatherhood, and yet every man can be a father. Nature takes care of that. It is easy to be a parent. But to be wise and far seeing enough to understand the boy is another thing; only a very few so wise and so far seeing as that. When I think of the light way nature has of picking out parents and populating the earth, having them born and die, I cannot hold human beings to the same degree of responsibility that young lawyers hold them when they are enthusiastic in a prosecution. I know what it means. I know there are no better citizens in Chicago than the fathers of these poor boys.

I know there were no better women than their mothers. But I am going to be honest with this court, if it is at the expense of both. I know that one of two things happened to Richard Loeb; that this terrible crime was inherent in his organism, and came from some ancestor, or that it came through his education and his training after he was born. Do I need to prove it? Judge Crowe said at one point in this case, when some witness spoke about their wealth, that "probably that was responsible."

To believe that any boy is responsible for himself or his early training is an absurdity that no lawyer or judge should be guilty of today. Somewhere this came to this boy. If his failing came from his heredity, I do not know where or how. None of us are bred perfect and pure, and the color of our hair, the color of our eyes, our stature, the weight and fineness of our brain, and everything about us could, with full knowledge, be traced with absolute certainty to somewhere; if we had the pedigree it could be traced just the same in a boy as it could be in a dog, a horse or cow.

I do not know what remote ancestors may have sent down the seed that corrupted him, and I do not know

through how many ancestors it may have passed until it reached Dickie Loeb.

All I know is that it is true, and there is not a biologist in the world who will not say that I am right.

If it did not come that way, then I know that if he was normal, if he had been understood, if he had been trained as he should have been it would not have happened. Not that anybody may not slip, but I know it and your Honor knows it, and every school house and every church in the land is an evidence of it. Else why build them?

Every effort to protect society is an effort toward training the youth to keep the path. Every bit of training in the world proves it, and it likewise proves that it sometimes fails. I know that if this boy had been understood and properly trained—properly for him—and the training that he got might have been the very best for someone else; but if it had been the proper training for him he would not be in this court room today with the noose above his head. If there is responsibility anywhere, it is back of him; somewhere in the infinite number of his ancestors, or in his surroundings, or in both. And I submit, your Honor, that under every principle of natural justice, under every principle of conscience, of right, and of law, he should not be made responsible for the acts of someone else.

I say this again, without finding fault with his parents, for whom I have the highest regard, and who doubtless did the best they could. They might have done better if they had not had so much money. I do not know. Great wealth often curses all who touch it.

This boy was sent to school. His mind worked; his emotions were dead. He could learn books, but he read detectives stories. There never was a time since he was

old enough to move back and forth, according to what seemed to be his volition, when he was not haunted with these phantasies.

The state made fun of Dr. White, the ablest and, I believe, the best psychiatrist in America today, for speaking about this boy's mind running back to the Teddy bears he used to play with, and in addressing somebody he was wont to say, "You know, Teddy——"

Well, your Honor, is it nothing but the commonplace action of the commonplace child or the ordinary man? A set of emotions, thoughts, feelings take possession of the mind and we find them recurring and recurring over and over again.

I catch myself many and many a time repeating phrases of my childhood, and I have not quite got into my second childhood yet. I have caught myself doing this while I still could catch myself. It means nothing. We may have all the dreams and visions and build all the castles we wish, but the castles of youth should be discarded with youth, and when they linger to the time when boys should think wiser things, then it indicates a diseased mind. "When I was young I thought as a child, I spoke as a child, I understood as a child; but now I have put off childish things," said the Psalmist twenty centuries ago. It is when these dreams of boyhood, these phantasies of youth still linger, and the growing boy is still a child—a child in emotion, a child in feeling, a child in hallucinations—that you can say that it is the dreams and the hallucinations of childhood that are responsible for his conduct. There is not an act in all this horrible tragedy that was not the act of a child, the act of a child wandering around in the morning of life, moved by the new feelings of a boy, moved by the uncontrolled impulses which his teaching was not strong

enough to take care of, moved by the dreams and the hallucinations which haunt the brain of a child. I say, your Honor, that it would be the height of cruelty, of injustice, of wrong and barbarism to visit the penalty upon this poor boy.

Your Honor, again I want to say that all parents can be criticized; likewise grandparents and teachers. Science is not so much interested in criticism as in finding causes. Some time education will be more scientific. Some time we will try to know the boy before we educate him and as we educate him. Some time we will try to know what will fit the individual boy, instead of putting all boys through the same course, regardless of what they are.

This boy needed more of home, more love, more directing. He needed to have his emotions awakened. He needed guiding hands along the serious road that youth must travel. Had these been given him, he would not be here today. Now, your Honor, I want to speak of the other lad, Babe.

Babe is somewhat older than Dick, and is a boy of remarkable mind—away beyond his years. He is a sort of freak in this direction, as in others; a boy without emotions, a boy obsessed of philosophy, a boy obsessed of learning, busy every minute of his life.

He went through school quickly; he went to college young; he could learn faster than almost everybody else. His emotional life was lacking, as every alienist and witness in this case excepting Dr. Krohn has told you. He was just a half boy, an intellect, an intellectual machine going without balance and without a governor, seeking to find out everything there was in life intellectually; seeking to solve every philosophy, but using his intellect only.

Of course his family did not understand him; few

men would. His mother died when he was young; he had plenty of money; everything was given to him that he wanted. Both these boys with unlimited money; both these boys with automobiles; both of these boys with every luxury around them and in front of them. They grew up in this environment.

Babe took up philosophy. I call him Babe, not because I want it to affect your Honor, but because everybody else does. He is the youngest of the family and I suppose that is why he got his nickname. We will call him a man. Mr. Crowe thinks it is easier to hang a man than a boy, and so I will call him a man if I can think of it.

He grew up in this way. He became enamoured of the philosophy of Nietzsche.

Your Honor, I have read almost everything that Nietzsche ever wrote. He was a man of a wonderful intellect; the most original philosopher of the last century. A man who probably has made a deeper imprint on philosophy than any other man within a hundred years, whether right or wrong. More books have been written about him than probably all the rest of the philosophers in a hundred years. More college professors have talked about him. In a way he has reached more people, and still he has been a philosopher of what we might call the intellectual cult. Nietzsche believed that some time the superman would be born, that evolution was working toward the superman.

He wrote one book, "Beyond Good and Evil," which was a criticism of all moral codes as the world understands them; a treatise holding that the intelligent man is beyond good and evil; that the laws for good and the laws for evil do not apply to those who approach the superman. He wrote on the will to power. He wrote

some ten or fifteen volumes on his various philosophical ideas. Nathan Leopold is not the only boy who has read Nietzsche. He may be the only one who was influenced in the way that he was influenced.

I have just made a few short extracts from Nietzsche, that show the things that Nathan read and which no doubt influenced him. These extracts are short and taken almost at random.

It is not how this would affect you. It is not how it would affect me. The question is how it did affect the impressionable, visionary, dreamy mind of a boy.

At seventeen, at sixteen, at eighteen, while healthy boys were playing baseball or working on the farm, or doing odd jobs, he was reading Nietzsche, a boy who never should have seen it, at that early age. Babe was obsessed of it, and here are some of the things which Nietzsche taught:

"Why so soft, oh, my brethren? Why so soft, so unresisting and yielding? Why is there so much disavowal and abnegation in your heart? Why is there so little fate in your looks? For all creators are hard, and it must seem blessedness unto you to press your hand upon millenniums and upon wax. This new table, oh, my brethren, I put over you: Become hard. To be obsessed by moral consideration presupposes a very low grade of intellect. We should substitute for morality the will to our own end, and consequently to the means to accomplish that.

"A great man, a man that nature has built up and invented in a grand style, is colder, harder, less cautious and more free from the fear of public opinion. He does not possess the virtues which are compatible with respectability, with being respected, nor any of those things which are counted among the virtues of the hard."

Nietzsche held a contemptuous, scornful attitude to all those things which the young are taught as important in life; a fixing of new values which are not the values by which any normal child has ever yet been reared—a philosophical dream, containing more or less truth, that was not meant by anyone to be applied to life.

Again he says:

"The morality of the master class is irritating to the taste of the present day because of its fundamental principle that a man has obligation only to his equals; that he may act to all of lower rank and to all that are foreign, as he pleases."

In other words, man has no obligations; he may do with all other men and all other boys, and all society, as he pleases—the superman was a creation of Nietzsche, but it has permeated every college and university in the civilized world.

Again, quoting from a professor of a university:

"Although no perfect superman has yet appeared in history, Nietzsche's types are to be found in the world's great figures—Alexander, Napoleon—in the wicked heroes such as the Borgias, Wagner's Siegfried and Ibsen's Brand—and the great cosmopolitan intellects such as Goethe and Stendahl. These were the gods of Nietzsche's idolatry."

"The superman-like qualities lie not in their genius, but in their freedom from scruple. They rightly felt themselves to be above the law. What they thought was right, not because sanctioned by any law, beyond themselves, but because they did it. So the superman will be a law unto himself. What he does will come from the will and superabundant power within him."

Your Honor, I could read for a week from Nietzsche, all to the same purpose, and the same end.

Counsel have said that because a man believes in murder that does not excuse him.

Quite right. But this is not a case like the anarchists case, where a number of men, perhaps honestly believing in revolution and knowing the consequences of their act and knowing its illegal character, were held responsible for murder.

Of course the books are full of statements that the fact that a man believes in committing a crime does not excuse him.

That is not this case, and counsel must know that it is not this case. Here is a boy at sixteen or seventeen becoming obsessed with these doctrines. There isn't any question about the facts. Their own witnesses tell it and every one of our witnesses tell it. It was not a casual bit of philosophy with him; it was his life. He believed in a superman. He and Dickie Loeb were the supermen. There might have been others, but they were two, and two chums. The ordinary commands of society were not for him.

Many of us read this philosophy but know that it has no actual application to life; but not he. It became a part of his being. It was his philosophy. He lived it and practiced it; he thought it applied to him, and he could not have believed it excepting that it either caused a diseased mind or was the result of a diseased mind.

Now let me call your attention hastily to just a few facts in connection with it. One of the cases is a New York case, where a man named Freeman became obsessed in a very strange way of religious ideas. He read the story of Isaac and Abraham and he felt a call that he must sacrifice his son. He arranged an altar in his parlor. He converted his wife to the idea. He took his little babe and put it on the altar and cut its throat.

Why? Because he was obsessed of that idea. Was he sane? Was he normal? Was his mind diseased? Was this poor fellow responsible? Not in the least. And he was acquitted because he was the victim of a delusion. Men are largely what their ideas make them. Boys are largely what their ideas make them.

Here is a boy who by day and by night, in season and out, was talking of the superman, owing no obligations to anyone; whatever gave him pleasure he should do, believing it just as another man might believe a religion or any philosophical theory.

You remember that I asked Dr. Church about these religious cases and he said "yes, many people go to the insane asylum on account of them," that "they place a literal meaning on parables and believe them thoroughly." I asked Dr. Church, whom I again say I believe to be an honest man, and an intelligent man—I asked him whether the same thing might he done or might come from a philosophical belief, and he said, "if one believed it strongly enough."

And I asked him about Nietzsche. He said he knew something of Nietzsche, something of his responsibility for the war, for which he perhaps was not responsible. He said he knew something about his doctrines. I asked him what became of him, and he said he was insane for fifteen years just before the time of his death. His very doctrine is a species of insanity.

Here is a man, a wise man—perhaps not wise, but brilliant—a thoughtful man who has made his impress upon the world. Every student of philosophy knows him. His own doctrines made him a maniac. And here is a young boy, in the adolescent age, harassed by everything that harasses children, who takes this philosophy and believes it literally. It is a part of his life. It is his

life. Do you suppose this mad act could have been done by him in any other way? What could he have to win from this homicide?

A boy with a beautiful home, with automobiles, a graduate of college, going to Europe, and then to study law at Harvard; as brilliant in intellect as any boy that you could find; a boy with every prospect that life might hold out to him; and yet he goes out and commits this weird, strange, wild, mad act, that he may die on the gallows or live in a prison cell until he dies of old age or disease.

He did it, obsessed of an idea, perhaps to some extent influenced by what has not been developed publicly in this case—perversions that were present in the boy. Both signs of insanity, both, together with this act, proving a diseased mind.

Is there any question about what was responsible for him?

What else could be? A boy in his youth, with every promise that the world could hold out before him—wealth and position and intellect, yes, genius, scholarship, nothing that he could not obtain, and he throws it away, and mounts the gallows or goes into a cell for life. It is too foolish to talk about. Can your Honor imagine a sane brain doing it? Can you imagine it coming from anything but a diseased mind? Can you imagine it is any part of normality? And yet, your Honor, you are asked to hang a boy of his age, abnormal, obsessed of dreams and visions, a philosophy that destroyed his life, when there is no sort of question in the world as to what caused his downfall.

Now, I have said that, as to Loeb, if there is anybody to blame it is back of him. Your Honor, lots of things happen in this world that nobody is to blame for. In

fact, I am not very much for settling blame myself. If I could settle the blame on somebody else for this special act, I would wonder why that somebody else did it, and I know if I could find that out, I would move it back still another peg.

I know, your Honor, that every atom of life in all this universe is bound up together. I know that a pebble cannot be thrown into the ocean without disturbing every drop of water in the sea. I know that every life is inextricably mixed and woven with every other life. I know that every influence, conscious and unconscious, acts and reacts on every living organism, and that no one can fix the blame. I know that all life is a series of infinite chances, which sometimes result one way and sometimes another. I have not the infinite wisdom that can fathom it, neither has any other human brain. But I do know that if back of it is a power that made it, that power alone can tell, and if there is no power, then it is an infinite chance, which man cannot solve.

Why should this boy's life be bound up with Frederick Nietzsche, who died thirty years ago, insane, in Germany? I don't know.

I only know it is. I know that no man who ever wrote a line that I read failed to influence me to some extent. I know that every life I ever touched influenced me, and I influenced it; and that it is not given to me to unravel the infinite causes and say, "this is I, and this is you." I am responsible for so much; and you are responsible for so much. I know—I know that in the infinite universe everything has its place and that the smallest particle is a part of all. Tell me that you can visit the wrath of fate and chance and life and eternity upon a nineteen-year-old-boy! If you could, justice would be a travesty and mercy a fraud.

I might say further about Nathan Leopold—where did he get this philosophy?—at college? He did not make it, your Honor. He did not write these books, and I will venture to say there are at least ten thousand books on Nietzsche and his philosophy. I never counted them, but I will venture to say that there are that many in the libraries of the world.

No other philosopher ever caused the discussion that Nietzsche has caused. There is no university in the world where the professors are not familiar with Nietzsche; not one. There is not an intellectual man in the world whose life and feelings run to philosophy, who is not more or less familiar with the Nietzschean philosophy. Some believe it, and some do not believe it. Some read it as I do, and take it as a theory, a dream, a vision, mixed with good and bad, but not in any way related to human life. Some take it seriously. The universities perhaps do not all teach it, for perhaps some teach nothing in philosophy; but they give the boys the books of the masters, and tell them what they taught, and discuss the doctrines.

There is not a university in the world of any high standing where the professors do not tell you about Nietzsche, and discuss it, or where the books can not be found.

I will guarantee that you can go down to the University of Chicago today—into its big library—and find over a thousand volumes on Nietzsche, and I am sure I speak moderately. If this boy is to blame for this, where did he get it? Is there any blame attaches because somebody took Nietzsche's philosophy seriously and fashioned his life on it? And there is not question in this case but what it is true. Then who is to blame? The university would be more to blame than he is. The scholars of the

world would be more to blame than he is. The publishers of the world—and Nietzsche's books are published by one of the biggest publishers in the world—are more to blame than he. Your Honor, it is hardly fair to hang a nineteen-year-old boy for the philosophy that was taught him at the university.

Now, I do not want to be misunderstood about this. Even for the sake of saving the lives of my clients, I do not want to be dishonest, and tell the court something that I do not honestly think in this case. I do not believe that the universities are to blame. I do not think they should be held responsible, I do think, however, that they are too large, and that they should keep a closer watch, if possible, upon the individual. But, you cannot destroy thought because, forsooth, some brain may be deranged by thought. It is the duty of the university, as I conceive it, to be the great storehouse of the wisdom of the ages, and to let students go there, and learn, and choose. I have no doubt but that it has meant the death of many; that we cannot help. Every changed idea in the world has had its consequences. Every new religious doctrine has created its victims. Every new philosophy has caused suffering and death. Every new machine has carved up men while it served the world. No railroad can be built without the destruction of human life. No great building can be erected but that unfortunate workmen fall to the earth and die. No great movement that does not bear its toll of life and death; no great ideal but does good and harm, and we cannot stop because it may do harm.

I have no idea in this case that this act would ever have been committed or participated in by him excepting for the philosophy which he had taken literally, which belonged to older boys and older men, and which no one

can take literally and practice literally and live. So, your Honor, I do not mean to unload this act on that man or this man, or this organization or that organization. I am trying to trace causes. I am trying to trace them honestly. I am trying to trace them with the light I have. I am trying to say to this court that these boys are not responsible for this; and that their act was due to this and this, and this and this; and asking this court not to visit the judgment of its wrath upon them for things for which they are not to blame.

There is something else in this case, your Honor, that is stronger still. There is a large element of chance in life. I know I will die. I don't know when; I don't know how; I don't know where; and I don't want to know. I know it will come. I know that it depends on infinite chances. Do I live to myself? Did I make myself? And control my fate? Can I fix my death unless I suicide—and I cannot do that because the will to live is too strong; I know it depends on infinite chances.

Take the rabbit running through the woods; a fox meets him at a certain fence. If the rabbit had not started when it did, it would not have met the fox and would have lived longer. If the fox had started later or earlier it would not have met the rabbit and its fate would have been different.

My death will depend upon chances. It may be by the taking in of a germ; it may be a pistol; it may be the decaying of my faculties, and all that makes life; it may be a cancer; it may be any one of an indefinite number of things, and where I am at a certain time, and whether I take in that germ, and the condition of my system when I breathe is an accident which is sealed up in the book of fate and which no human being can open.

These boys, neither one of them, could possibly have

committed this act excepting by coming together. It was not the act for one; it was the act of two. It was the act of their planning, their conniving, their believing in each other; their thinking themselves supermen. Without it they could not have done it. It would not have happened. Their parents happened to meet, these boys happened to meet; some sort of chemical alchemy operated so that they cared for each other, and poor Bobby Franks' dead body was found in the culvert as a result. Neither of them could have done it alone.

I want to call your attention, your Honor, to the two letters in this case which settle this matter to my mind conclusively; not only the condition of these boys' minds, but the terrible fate that overtook them.

Your Honor, I am sorry for poor Bobby Franks, and I think anybody who knows me knows that I am not saying it simply to talk. I am sorry for the bereaved father and the bereaved mother, and I would like to know what they would do with these poor unfortunate lads who are here in this court today. I know something of them, of their lives, of their charity, of their ideas, and nobody here sympathizes with them more than I.

On the 21st day of May poor Bobby Franks, stripped and naked, was left in a culvert down near the Indiana line. I know it came through the mad act of mad boys. Mr. Savage told us that Franks, if he lived, would have been a great man and have accomplished much. I want to leave this thought with your Honor now. I do not know what Bobby Franks would have been had be grown to be a man. I do not know the laws that control one's growth. Sometimes, your Honor, a boy of great promise is cut off in his early youth. Sometimes he dies and is placed in a culvert. Sometimes a boy of great promise stands on a trap door and is hanged by the neck until

dead. Sometimes he dies of diphtheria. Death somehow pays no attention to age, sex, prospects, wealth or intellect.

It comes, and perhaps, I can only say perhaps, for I never professed to unravel the mysteries of fate, and I cannot tell; but I can say—perhaps, the boy who died at fourteen did as much as if he had died at seventy, and perhaps the boy who died as a babe did as much as if he had lived longer. Perhaps, somewhere in fate and chance, it might be that he lived as long as he should.

And I want to say this, that the death of poor little Bobby Franks should not be in vain. Would it mean anything if on account of that death, these two boys were taken out and a rope tied around their necks and they died felons? Would that show that Bobby Franks had a purpose in his life and a purpose in his death? No, your Honor, the unfortunate and tragic death of this weak young lad should mean something. It should mean an appeal to the fathers and the mothers, an appeal to the teachers, to the religious guides, to society at large. It should mean an appeal to all of them to appraise children, to understand the emotions that control them, to understand the ideas that possess them, to teach them to avoid the pitfalls of life.

Society, too, should assume its share of the burdens of this case, and not make two more tragedies, but use this calamity as best it can to make life safer, to make childhood easier, and more secure, to do something to cure the cruelty, the hatred, the chance, and the wilfulness of life.

I have discussed somewhat in detail these two boys separately. Their coming together was the means of their undoing. Your Honor is familiar with the facts in reference to their association. They had a weird, almost impossible relationship. Leopold, with his obses-

sion of the superman, had repeatedly said that Loeb was his idea of the superman. He had the attitude toward him that one has to his most devoted friend, or that a man has to a lover. Without the combination of these two, nothing of this sort probably could have happened. It is not necessary for us, your Honor, to rely upon words to prove the condition of these boys' minds, and to prove the effect of this strange and fatal relationship between these two boys.

It is mostly told in a letter which the state itself introduced in this case. Not the whole story, but enough of it is shown, so that I take it that no intelligent, thoughtful person could fail to realize what was the relation between them and how they had played upon each other to effect their downfall and their ruin. I want to read this letter once more, a letter which was introduced by the state, a letter dated October 9th, a month and three days before their trip to Ann Arbor, and I want the court to say in his own mind whether this letter was anything but the products of a diseased mind, and if it does not show a relationship that was responsible for this terrible homicide. This was written by Leopold to Loeb. They lived close together, only a few blocks from each other; saw each other every day; but Leopold wrote him this letter:

October 9, 1923.

Dear Dick:

In view of our former relations, I take it for granted that it is unnecessary to make any excuse for writing you at this time, and still I am going to state my reasons for so doing, as this may turn out to be a long letter, and I don't want to cause you the inconvenience of reading it all to find out what it contains if you are not interested in the subjects dealt with.

First, I am enclosing the document which I mentioned to you today, and which I will explain later. Second, I am going to tell you of a new fact which has come up since our discussion. And third, I am going to put in writing what my attitude toward our present relations, with a view of avoiding future possible misunderstandings, and in the hope (though I think it rather vain) that possibly we may have misunderstood each other, and can yet clear this matter up.

Now, as to the first, I wanted you this afternoon, and still want you, to feel that we are on an equal footing legally, and therefore, I purposely committed the same tort of which you were guilty, the only difference being that in your case the facts would be harder to prove than in mine, should I deny them. The enclosed document should secure you against changing my mind in admitting the facts, if the matter should come up, as it would prove to any court that they were true.

As to the second. On your suggestion I immediately phoned Dick Rubel, and speaking from a paper prepared beforehand (to be sure of the exact wording) said:

"Dick, when we were together yesterday, did I tell you that Dick (Loeb) had told me the things which I then told you, or that it was merely my opinion that I believed them to be so?"

I asked this twice to be sure he understood, and on the same answer both times (which I took down as he spoke) felt that he did understand.

He replied:

"No, you did not tell me that Dick told you these things, but said that they were in your opinion true."

He further denied telling you subsequently that I had said that they were gleaned from conversation with you, and I then told him that he was quite right, that you

never had told me. I further told him that this was merely your suggestion of how to settle a question of fact that he was in no way implicated, and that neither of us would be angry with him at his reply. (I imply your assent to this.)

This of course proves that you were mistaken this afternoon in the question of my having actually and technically broken confidence, and voids my apology, which I made contingent on proof of this matter.

Now, as to the third, last, and most important question. When you came to my home this afternoon I expected either to break friendship with you or attempt to kill you unless you told me why you acted as you did yesterday.

You did, however, tell me, and hence the question shifted to the fact that I would act as before if you persisted in thinking me treacherous, either in act (which you waived if Dick's opinion went with mine) or in intention.

Now, I apprehend, though here I am not quite sure, that you said that you did not think me treacherous in intent, nor ever have, but that you considered me in the wrong and expected such a statement from me. This statement I unconditionally refused to make until such time as I may become convinced of its truth.

However, the question of our relation I think must be in your hands (unless the above conceptions are mistaken), inasmuch as you have satisfied first one and then the other requirement, upon which I agreed to refrain from attempting to kill you or refusing to continue our friendship. Hence I have no reason not to continue to be on friendly terms with you, and would under ordinary conditions continue as before.

The only question, then, is with you. You demand

me to perform an act, namely, state that I acted wrongly. This I refuse. Now it is up to you to inflict the penalty for this refusal—at your discretion, to break friendship, inflict physical punishment, or anything else you like, or on the other hand to continue as before.

The decision, therefore, must rest with you. This is all of my opinion on the right and wrong of the matter.

Now comes a practical question. I think that I would ordinarily be expected to, and in fact do expect to continue my attitude toward you, as before, until I learn either by direct words or by conduct on your part which way your decision has been formed. This I shall do.

Now a word of advice. I do not wish to influence your decision either way, but I do want to warn you that in case you deem it advisable to discontinue our friendship, that in both our interests extreme care must be had. The motif of "A falling out of ————" would be sure to be popular, which is patently undesirable and forms an irksome but unavoidable bond between us.

Therefore, it is, in my humble opinion, expedient, though our breech need be no less real in fact, yet to observe the conventionalities, such as salutation on the street and a general appearance of at least not unfriendly relations on all occasions when we may be thrown together in public.

Now, Dick, I am going to make a request to which I have perhaps no right, and yet which I dare to make also for "Auld Lang Syne." Will you, if not too inconvenient, let me know your answer (before I leave tomorrow) on the last count? This, to which I have no right, would greatly help my peace of mind in the next few days when it is most necessary to me. You can if you will merely call up my home before 12 noon and leave

a message saying, "Dick says yes," if you wish our relations to continue as before, and "Dick says no," if not.

It is unnecessary to add that your decision will of course have no effect on my keeping to myself our confidences of the past, and that I regret the whole affair more than I can say.

Hoping not to have caused you too much trouble in reading this, I am (for the present), as ever

"BABE."

Now, I undertake to say that under any interpretation of this case, taking into account all the things your Honor knows, that have not been made public, or leaving them out, nobody can interpret that letter excepting on the theory of a diseased mind, and with it goes this strange document which was referred to in the letter.

"I, Nathan F. Leopold, Jr., being under no duress or compulsion, do hereby affirm and declare that on this, the 9th day of October, 1923, I for reasons of my own locked the door of the room in which I was with one Richard A. Loeb, with the intent of blocking his only feasible mode of egress, and that I further indicated my intention of applying physical force upon the person of the said Richard A. Loeb if necessary to carry out my design, to-wit, to block his only feasible mode of egress."

There is nothing in this case, whether heard alone by the court or heard in public that can explain these documents, on the theory that the defendants were normal human beings.

I want to call your attention then to an extract from another letter by Babe, if I may be permitted to call him Babe, until you hang him.

On October 10th, this is written by Leopold on the 20th Century train, the day after the other letter was written, and in it he says:

" . . . now, that is all that is in point to our controversy."

But I am going to add a little more in an effort to explain my system of the Nietzschean philosophy with regard to you.

"It may not have occurred to you why a mere mistake in judgment on your part should be treated as a crime when on the part of another it should not be so considered. Here are the reasons. In formulating a superman he is, on account of certain superior qualities inherent in him, exempted from the ordinary laws which govern ordinary men. He is not liable for anything he may do, whereas others would be, except for the one crime that it is possible for him to commit—to make a mistake.

"Now obviously any code which conferred upon an individual or upon a group extraordinary privileges without also putting on him extraordinary responsibility, would be unfair and bad. Therefore, the superman is held to have committed a crime every time he errs in judgment—a mistake excusable in others. But you may say that you have previously made mistakes which I did not treat as crimes. This is true. To cite an example, the other night you expressed the opinion, and insisted, that Marcus Aurelius Antonius was practically the founder of Stoicism. In so doing you committed a crime. But it was a slight crime, and I chose to forgive it. I have, and had before that, forgiven the crime which you committed in committing the error in judgment which caused the whole train of events. I did not and do not wish to charge you with crime, but I feel justified in using any of the consequences of your crime for which you are held responsible, to my advantage. This and only this I did, so you see how careful you must be."

Is that the letter of a normal eighteen-year-old boy, or is it the letter of a diseased brain?

Is that the letter of boys acting as boys should, and thinking as boys should, or is it the letter of one whose philosophy has taken possession of him, who understands that what the world calls a crime is something that the superman may do—who believes that the only crime the superman can commit is to make a mistake? He believed it. He was immature. It possessed him. It was manifest in the strange compact that the court already knows about between these two boys, by which each was to yield something and each was to give something. Out of that compact and out of these diseased minds grew this terrible crime.

Tell me, was this compact the act of normal boys, of boys who think and fell as boys should—boys who have the thoughts and emotions and physical life that boys should have? There is nothing in all of it that corresponds with normal life. There is a weird, strange, unnatural disease in all of it which is responsible for this deed.

I submit the facts do not rest on the evidence of these boys alone. It is proven by the writings; it is proven by every act. It is proven by their companions, and there can be no question about it.

We brought into this courtroom a number of their boy friends, whom they had known day by day, who had associated with them in the club house, were their constant companions, and they tell the same stories. They tell the story that neither of these two boys was responsible for his conduct.

Maremont, whom the State first called, one of the oldest of the boys, said that Leopold had never had any judgment of any sort. They talked about the super-

man. Leopold argued his philosophy. It was a religion with him. But as to judgment of things in life he had none. He was developed intellectually, wanting emotionally, developed in those things which a boy does not need and should not have at his age, but absolutely void of the healthy feelings, of the healthy instincts of practical life that are necessary to the child.

We called not less than ten or twelve of their companions and all of them testified the same: Dickie Loeb was not allowed by his companions the privileges of his class because of his childishness and his lack of judgment. Nobody denies it, and yet the State's Attorney makes a play here on account of this girl whose testimony was so important, Miss Nathan. What did the State's Attorney do in this matter? Before we ever got to these defendants these witnesses were called in by subpoenas of the Grand Jury, and then taken into the office of the State's Attorney; they were young boys and girls, taken just when this story broke. Without any friends, without any counsel, they were questioned in the State's Attorney's office, and they were asked to say whether they had seen anything strange or insane about these boys. Several of them said no. Not one of them had any warning, not one of them had any chance to think, not one of them knew what it meant, not one of them had a chance to recall the lives of both and they were in the presence of lawyers and policemen and officers, and still they seek to bind these young people by those statements.

Miss Nathan is quoted as saying that she never noticed any mental disease in them, and yet she said the lawyers refused to put down all she said and directed the reporter not to take all she said; that she came in there from a sick bed without any notice; she had no time to think about it; and then she told this court of her association

with Dickie Loeb, and the strange, weird, childish things he did.

One other witness, a young man, and only one other, was called in and examined by the State's Attorney on the day that this confession was made; and we placed him on the stand and he practically tells the same story; that he was called to the State's Attorney's office; he had no chance to think about it; he had no chance to consider the conduct of these boys; he was called in immediately and the questions were put to him; and when he was called by us and had an opportunity to consider it and know what it meant he related to this court what has been related by every other witness in this case.

As to the standing of these boys amongst their fellows—that they were irresponsible, that they had no judgment, that they were childish, that their acts were strange, that their beliefs were impossible for boys—is beyond question in this case.

And what did they do on the other side?

It was given out that they had a vast army of witnesses. They called three. A professor who talked with Leopold only upon his law studies, and two others who admitted all that we said, on cross examination, and the rest were dismissed. So it leaves all of this beyond dispute and admitted in this case.

Now both sides have called alienists and I will refer to that for a few moments. I shall only take a little time with the alienists.

The facts here are plain; when these boys had made the confession on Sunday afternoon before their counsel or their friends had any chance to see them, Mr. Crowe sent out for four men. He sent out for Dr. Patrick, who is an alienist; Dr. Church, who is an alienist; Dr. Krohn, who is a witness, a testifier; and Dr. Singer, who is pretty

good—I would not criticise him but I would not class him with Patrick and with Church.

I have said to your Honor that in my opinion he sent for the two ablest men in Chicago as far as the public knows them, Dr. Church and Dr. Patrick. I have said to your Honor that if Judge Crowe had not got to them first I would have tried to get them. I not only say I would have tried, but I say I would have succeeded. You heard Dr. Church's testimony. Dr. Church is an honest man though an alienist. Under cross examination he admitted every position which I took. He admitted the failure of emotional life in these boys; he admitted its importance; he admitted the importance of beliefs strongly held in human conduct; he said himself that if he could get at all the facts he would understand what was back of this strange murder. Every single position that we have claimed in this case Dr. Church admitted.

Dr. Singer did the same. The only difference between them was this, it took but one question to get Dr. Church to admit it, and it took ten to a dozen to get Dr. Singer. He objected and hedged and ran and quibbled. There could be no mistake about it, and your Honor heard it in this court room.

He sought every way he could to avoid the truth, and when it came to the point that he could not dodge any longer, he admitted every proposition just exactly the same as Dr. Church admitted them: The value of emotional life; its effect on conduct; that it was the ruling thing in conduct, as every person knows who is familiar with psychology and who is familiar with the human system.

Could there be any doubt, your Honor, but what both those witnesses, Church and Singer, or any doubt but what Patrick would have testified for us? Now what did

they do in their examination? What kind of a chance did these alienists have? It is perfectly obvious that they had none. Church, Patrick, Krohn went into a room with these two boys who had been in the possession of the State's Attorney's office for sixty hours; they were surrounded by policemen, were surrounded by guards and detectives and State's Attorneys; twelve or fifteen of them, and here they told their story. Of course this audience had a friendly attitude toward them. I know my friend Judge Crowe had a friendly attitude because I saw divers, various and sundry pictures of Prosecutor Crowe taken with these boys.

When I first saw them I believed it showed friendship for the boys, but now I am inclined to think that he had them taken just as a lawyer who goes up in the country fishing has his picture taken with his catch.

The boys had been led doubtless to believe that these people were friends. They were taken there, in the presence of all this crowd. What was done? The boys told their story, and that was all.

Of course, Krohn remembered a lot that did not take place—and we would expect that of him; and he forgot much that did take place—and we would expect that of him, too. So far as the honest witnesses were concerned, they said that not a word was spoken excepting a little conversation upon birds and the relation of the story that they had already given to the State's Attorney; and from that, and nothing else, both Patrick and Church said they showed no reaction as ordinary persons should show it, and intimated clearly that the commission of the crime itself would put them on inquiry as to whether these boys were mentally right; both admitted that the conditions surrounding them made the right kind of ex-

amination impossible; both admitted that they needed a better chance to form a reliable opinion.

The most they said was that at this time they saw no evidence of insanity.

Now, your Honor, no experts, and no alienists with any chance to examine, have testified that these boys were normal.

Singer did a thing more marvelous still. He never saw these boys until he came into this court, excepting when they were brought down in violation of their constitutional rights to the office of Judge Crowe, after they had been turned over to the jailer, and there various questions were asked them, and to all of these the boys replied that they respectfully refused to answer on advice of counsel. And yet that was enough for Singer.

Your Honor, if these boys had gone to the office of any one of these eminent gentlemen, had been taken by their parents or gone by themselves, and the doctors had seriously tried to find out whether there was anything wrong about their minds, how would they have done it? They would have taken them patiently and carefully. They would have sought to get their confidence. They would have listened to their story. They would have listened to it in the attitude of a father listening to his child. You know it. Every doctor knows it. In no other way could they find out their mental condition. And the men who are honest with this question have admitted it.

And yet Dr. Krohn will testify that they had the best chance in the world, when his own associates, sitting where they were, said that they did not.

Your Honor, nobody's life or liberty or property should be taken from them upon an examination like that. It was not an examination. It was simply an

effort to get witnesses, regardless of facts, who might at some time come into court and give their testimony, to take these boys' lives.

Now, I imagine that in closing this case Judge Crowe will say that our witnesses mainly came from the east. That is true. And he is responsible for it. I am not blaming him, but he is responsible for it. There are other alienists in Chicago, and the evidence shows that we had the boys examined by numerous ones in Chicago. We wanted to get the best. Did we get them?

Your Honor knows that the place where a man lives does not affect his truthfulness or his ability. We brought the man who stands probably above all of them, and who certainty is far superior to anybody called upon the other side. First of all, we called Dr. William A. White. And who is he? For many years he has been superintendent of the Government Hospital for the insane in Washington; a man who has written more books, delivered more lectures and had more honors and knows this subject better than all of their alienists put together; a man who plainly came here not for money, and who receives for his testimony the same per diem as is paid by the other side; a man who knows his subject, and whose ability and truthfulness must have impressed this court.

It will not do, your Honor, to say that because Dr. White is not a resident of Chicago that he lies. No man stands higher in the United States, no man is better known than Dr. White, his learning and intelligence was obvious from his evidence in this case.

Who else did we get? Do I need to say anything about Dr. Healy? Is there any question about his integrity? A man who seldom goes into court except upon the order of the court.

Your Honor was connected with the Municipal Court. You know that Dr. Healy was the first man who operated with the courts in the City of Chicago to give aid to the unfortunate youths whose minds were afflicted and who were the victims of the law.

No man stands higher in Chicago than Dr. Healy. No man has done as much work in the study of adolescence. No man has either read or written or thought or worked as much with the young. No man knows the adolescent boy as well as Dr. Healy.

Dr. Healy began his research and his practice in the City of Chicago, and was the first psychiatrist of the boys' court. He was then made a director of the Baker Foundation of Boston and is now carrying on his work in connection with the courts of Boston.

His books are known wherever men study boys. His reputation is known all over the United States and in Europe. Compare him and his reputation with Dr. Krohn. Compare it with any other witness that the state called in this case.

Dr. Glueck, who was for years the alienist at Sing Sing, and connected with the penal institutions in the State of New York; a man of eminent attainments and ripe scholarship. No one is his superior.

And Dr. Hulbert, a young man who spent nineteen days in the examination of these boys, together with Dr. Bowen, an eminent doctor in his line from Boston. These two physicians spent all this time getting every detail of these boys' lives, and structures; each one of these alienists took all the time they needed for a thorough examination, without the presence of lawyers, detectives and policemen. Each one of these psychiatrists tells this court the story, the sad, pitiful story, of the unfortunate minds of these two young lads.

I submit, your Honor, that there can be no question about the relative value of these two sets of alienists; there can be no question of their means of undertaking; there can be no question but that White, Glueck, Hulbert and Healy knew what they were talking about, for they had every chance to find out. They are either lying to this court, or their opinion is good.

On the other hand, not one single man called by the State had any chance to know. He was called in to see these boys, the same as the state would call a hangman: "Here are the boys; officer, do your duty." And that is all there was of it.

Now, your Honor, I shall pass that subject. I think all of the facts of this extraordinary case, all of the testimony of the alienists, all that your Honor has seen and heard, all their friends and acquaintances who have come here to enlighten this court—I think all of it shows that this terrible act was the act of immature and diseased brains, the act of children.

Nobody can explain it in any other way.

No one can imagine it in any other way.

It is not possible that it could have happened in any other way. And, I submit, your Honor, that by every law of humanity, by every law of justice, by every feeling of righteousness, by every instinct of pity, mercy and charity, your Honor should say that because of the condition of these boys' minds, it would be monstrous to visit upon them the vengeance that is asked by the State.

I want to discuss now another thing which this court must consider and which to my mind is absolutely conclusive in this case. That is, the age of these boys.

I shall discuss it more in detail than I have discussed it before, and I submit, your Honor, that it is not possible for any court to hang these two boys if he pays any

attention whatever to the modern attitude toward the young, if he pays any attention whatever to the precedents in this county, if he pays any attention to the humane instincts which move ordinary man.

I have a list of executions in Cook County beginning in 1840, which I presume covers the first one, because I asked to have it go to the beginning. Ninety poor unfortunate men have given up their lives to stop murder in Chicago. Ninety men have been hanged by the neck until dead, because of the ancient superstition that in some way hanging one man keeps another from committing a crime. The ancient superstition, I say, because I defy the state to point to a criminologist, a scientist, a student, who has ever said it. Still we go on, as if human conduct was not influenced and controlled by natural laws the same as all the rest of the Universe is the subject of law. We treat crime as if it had no cause. We go on saying, "Hang the unfortunates, and it will end." Was there ever a murder without a cause? Was there ever a crime without a cause? And yet all punishment proceeds upon the theory that there is no cause; and the only way to treat crime is to intimidate every one into goodness and obedience to law. We lawyers are a long way behind.

Crime has its cause. Perhaps all crimes do not have the same cause, but they all have some cause. And people today are seeking to find out the cause. We lawyers never try to find out. Scientists are studying it; criminologists are investigating it; but we lawyers go on and on and on, punishing and hanging and thinking that by general terror we can stamp out crime.

It never occurs to the lawyer that crime has a cause as certainly as disease, and that the way to rationally treat any abnormal condition is to remove the cause.

If a doctor were called on to treat typhoid fever he would probably try to find out what kind of milk or water the patient drank, and perhaps clean out the well so that no one else could get typhoid from the same source. But, if a lawyer was called on to treat a typhoid patient, he would give him thirty days in jail, and then he would think that nobody else would ever dare to take it. If the patient got well in fifteen days, he would be kept until his time was up; if the disease was worse at the end of thirty days, the patient would be released because his time was out.

As a rule, lawyers are not scientists. They have learned the doctrine of hate and fear, and they think that there is only one way to make men good, and that is to put them in such terror that they do not dare to be bad. They act unmindful of history, and science, and all the experience of the past.

Still, we are making some progress. Courts give attention to some things that they did not give attention to before.

Once in England they hanged children seven years of age; not necessarily hanged them, because hanging was never meant for punishment; it was meant for an exhibition. If somebody committed crime, he would be hanged by the head or the heels, it didn't matter much which, at the four cross roads, so that everybody could look at him until his bones were bare, and so that people would be good because they had seen the grewsome result of crime and hate.

Hanging was not necessarily meant for punishment. The culprit might be killed in any other way, and then hanged—yes. Hanging was an exhibition. They were hanged on the highest hill, and hanged at the cross-ways, and hanged in public places, so that all men could see.

If there is any virtue in hanging, that was the logical way, because you cannot awe men into goodness unless they know about the hanging. We have not grown better than the ancients. We have grown more squeamish; we do not like to look at it; that is all. They hanged them at seven years; they hanged them again at eleven and fourteen.

We have raised the age of hanging. We have raised it by the humanity of courts, by the understanding of courts, by the progress in science which at last is reaching the law; and in ninety men hanged in Illinois from its beginning, not one single person under twenty-three was ever hanged upon a plea of guilty—not one. If your Honor should do this, you would violate every precedent that had been set in Illinois for almost a century. There can be no excuse for it, and no justification for it, because this is the policy of the law which is rooted in the feelings of humanity, which are deep in every human being that thinks and feels. There have been two or three cases where juries have convicted boys younger than this, and where courts on convictions have refused to set aside the sentence because a jury had found it.

First, I want to call your attention, your Honor, to the cases on pleas of guilty in the State of Illinois. Back of the year 1896 the record does not show ages. After that, which is the large part, probably sixty out of ninety —all show the age. Not the age at which they are hanged, as my friend Marshall thought, but the age at the time of the verdict or sentence as is found today.

In all the history of Illinois—I am not absolutely certain of it back of 1896, but there are so many of them that I know about from the books and otherwise, that I feel I am safe in saying there is no exception to the rule —but since 1896 everyone is recorded. The first hang-

ing in Illinois—on a plea of guilty, was May 15, 1896, when a young colored man, 24 years old, was sentenced to death by Judge Baker.

Judge Baker I knew very well; a man of ability, a fine fellow, but a man of moods. I do not know whether the court remembers him; but that was the first hanging on a plea of guilty to the credit of any man in Illinois —I mean in Chicago. I have not obtained the statistics from the rest of the state, but I am satisfied they are the same, and that boy was colored, and twenty-four, either one of which should have saved him from death, but the color probably had something to do with compassing his destruction.

The next was Julius Mannow. Now, he really was not hanged on a plea of guilty, though the records so show. I will state to your Honor just what the facts are. Joseph Windreth and Julius Mannow were tried together in 1896 on a charge of murder with robbery. When the trial was nearly finished, Julius Mannow withdrew his plea of guilty. He was defended by Elliott, whom I remember very well, and probably your Honor does. And under what he supposed was an agreement with the court he plead this man guilty, after the case was nearly finished.

Now, I am not here to discuss whether there was an agreement or not. Judge Horton who tried this case did not sentence him, but he waited for the jury's verdict on Windreth, and they found him guilty and sentenced him to death, and Judge Horton followed that sentence. Had this case come into that court on a plea of guilty, it probably would have been different; perhaps not; but it really was not a question of a plea of guilty; and he was twenty-eight or thirty years old.

I might say in passing as to Judge Horton—he is

dead. I knew him very well. In some ways I liked him. I tried a case for him after he had left the bench. But I will say this: He was never noted in Chicago for his kindness and his mercy, and anybody who remembers knows that I am stating the truth.

The next man who was hanged on a plea of guilty was Daniel McCarthy, twenty-nine years old, in 1897, by Judge Stein. Well, he is dead. I am very careful about being kind to the dead, so I will say that he never knew what mercy was, at least while he lived. Whether he does now, I cannot say. Still he was a good lawyer. That was in 1897.

It was twenty-two years, your Honor, before anybody else was hanged in Cook County on a plea of guilty, old or young, twenty-two years before a judge had either the old or young walk into his court and throw himself on the mercy of the court and get the rope for it; and a great many men have been tried for murder, and a great many men have been executed, and a great many men have plead guilty and have been sentenced, either to a term of years or life imprisonment, over three hundred in that twenty-two years, and no man, old or young, was executed.

But twenty-two years later, in 1919, Thomas Fitzgerald, a man about forty years old, was sentenced for killing a little girl, plead guilty before my friend Judge Crowe, and he was put to death. And that is all. In the history of Cook County that is all that have been put to death on a plea of guilty. That is all.

Your Honor, what excuse could you possibly have for putting these boys to death? You would have to turn your back on every precedent of the past. You would have to turn your back on the progress of the world. You would have to ignore all human sentiment and feel-

ing, of which I know the court has his full share. You would have to do all this if you would hang boys of eighteen and nineteen years of age who have come into this court and thrown themselves upon your mercy.

I might do it, but I would want good reason for it, which does not exist and cannot exist in this case, unless publicity, worked-up feeling, and mad hate, is a reason, and I know it is not.

Since that time one other man has been sentenced to death of a plea of guilty. That was James H. Smith, twenty-eight years old, sentenced by Judge Kavanagh. But we were spared his hanging. That was in January, 1923. I could tell you why it was, and I will tell you later. It is due to the cruelty that has paralyzed the hearts of men growing out of the war. We are accustomed to blood, your Honor. It used to look mussy, and make us feel squeamish. But we have not only seen it shed in buckets full, we have seen it shed in rivers, lakes and oceans, and we have delighted in it; we have preached it, we have worked for it, we have advised it, we have taught it to the young, encouraged the old, until the world has been drenched in blood, and it has left its stains upon every human heart and upon every human mind, and has almost stifled the feelings of pity and charity that have their natural home in the human breast.

I do not believe that Judge Kavanagh would ever have done this except for the great war which has left its mark on all of us, one of the terrible by-products of those wretched years.

This man was reprieved, but James Smith was twenty-eight years old; he was old enough to vote, he was old enough to make contracts, he needed no guardian, he was old enough to do all the things that an older

man can do. He was not a boy; a boy that is the special ward of the state, and the special ward of the court, and who cannot act except in special ways because he is not mature. He was twenty-eight and he is not dead and will not die. His life was saved, and you may go over every hanging, and if your Honor shall decorate the gallows with these two boys, your Honor will be the first in Chicago who has ever done such a deed. And, I know you will not.

Your Honor, I must hasten along, for I will close tonight. I know I should have closed before. Still there seems so much that I would like to say. I will spend a few more minutes on this record of hangings. There was one boy nineteen years old, Thomas Schultz, who was convicted by a jury and executed. There was one boy who has been referred to here, eighteen, Nicholas Viani, who was convicted by a jury and executed. No one else under twenty-one, your Honor, has been convicted by a jury and sentenced to death. Now, let me speak a word about these.

Schultz was convicted in 1912. Viani was convicted in 1920. Of course, I believe it should not have happened, but your Honor knows the difference between a plea of guilty and a verdict. It is easy enough for a jury to divide the responsibility by twelve. They have not the age and the experience and the charity which comes from age and experience. It is easy for some State's Attorneys to influence some juries. I don't know who defended the poor boy, but I guarantee that it was not the best lawyers at the bar,—but doubtless a good lawyer prosecuted him, and when he was convicted the court said that he had rested his fate with the jury, and he would not disturb the verdict.

I do not know whether your Honor, humane and con-

siderate as I believe you to be, would have disturbed a jury's verdict in this case, but I know that no judge in Cook County ever himself upon a plea of guilty passed judgment of death in a case below the age of twenty-three, and only one at the age of twenty-three was ever hanged on a plea of guilty.

Viani I have looked up, and I don't care who did it or how it was done, it was a shame and disgrace that an eighteen year old boy should be hanged, in 1920, or a nineteen year old boy should be hanged, in 1920, and I am assuming it is all right to hang somebody, which it is not. I have looked up the Viani case because my friend Marshall read a part where it said that Viani pleaded guilty. He did not say it positively, because he is honest, and he knew there might be a reason. Viani was tried and convicted—I don't remember the name of the judge—in 1920.

There were various things working against him. It was in 1920, after the war. Most anything might have happened after the war, which I will speak of later, and not much later, for I am to close tonight. He was convicted in 1920. There was a band of Italian desperadoes, so-called. I don't know. Sam Cardinelli was the leader, a man forty years of age. But their records were very bad.

This boy should have been singled out from the rest. If I had been defending him, and he had not been, I never would have come into court again. But he was not. He was tried with the rest. I have looked up the records, and I find that he was in the position of most of these unfortunates; he did not have a lawyer.

Your Honor, the question of whether a man is convicted or acquitted does not always depend on the evidence or entirely on the judge or entirely on the jury.

The lawyer has something to do with it. And the State always has—always has at least moderately good lawyers. And the defendants have, if they can get the money; and if they cannot, they have nobody. Viani, who was on trial with others for his life, had a lawyer appointed by the court. Ed Raber, if I am rightly informed, prosecuted. He had a fine chance, this poor Italian boy, tried with three or four others. And prosecuted by one of the most relentless prosecutors Chicago has ever known. This boy was defended by somebody whose name I never heard, who was appointed by the court.

Your Honor, if in this court a boy of eighteen and a boy of nineteen should be hanged on a plea of guilty, in violation of every precedent of the past, in violation of the policy of the law to take care of the young, in violation of all the progress that has been made and of the humanity that has been shown in the care of the young; in violation of the law that places boys in reformatories instead of prisons,—if your Honor in violation of all that and in the face of all the past should stand here in Chicago alone to hang a boy on a plea of guilty, then we are turning our faces backward toward the barbarism which once possessed the world. If your Honor can hang a boy eighteen, some other judge can hang him at seventeen, or sixteen, or fourteen. Some day, if there is any such thing as progress in the world, if there is any spirit of humanity that is working in the hearts of men, some day men would look back upon this as a barbarous age which deliberately set itself in the way of progress, humanity and sympathy, and committed an unforgivable act.

Yet your Honor has been asked to hang, and I must refer here for a minute to something which I dislike to

discuss. I hesitated whether to pass it by unnoticed or to speak of it, but feel that I must say something about it, and that was the testimony of Gortland, the policeman. He came into this court, the only witness who said that young Leopold told him that he might get into the hands of a friendly judge and succeed. Your Honor, that is a blow below the belt. There isn't a word of truth in his statement, as I can easily prove to your Honor. It was carved out of the air, to awe and influence the court, and place him in a position where if he saved life someone might be malicious enough to say that he was a friendly judge, and, if he took it, the fear might invade the community that he did not dare to be merciful.

I am sure that your Honor knows there is only one way to do in this case, and I know you will do it. You will take this case, with your judgment and your conscience, and settle it as you think it should be settled. I may approve or I may disapprove, or Judge Crowe may approve or disapprove, or the public may approve or disapprove, but you must satisfy yourself and you will.

Now, let me take Gortland's testimony for a minute; and I am not going over the record. It is all here. He swore that on the night after the arrest of these two boys, Nathan Leopold told him, in discussing the case, that a friendly judge might save him. He is the first man who testified for the State that any of us cross examined, if you remember. They called witness after witness to prove something that did not need to be proved under a plea of guilty. Then this came, which to me was a poisoned piece of perjury, with a purpose, and I cross examined him:

"Did you make any record?"

"Yes, I think I did."

"Where is it?"
"I think I have it."
"Let me see it."
"Yes."
There was not a word or a syllable upon that paper.
"Did you make any other?"
"Yes."
"When did you make it?"
"Within two or three days of the occurrence."
"Let me see that."
He said he would bring it back later.
"Did you make another?"
"Yes."
"What was it?"
"A complete report to the chief of police."
"Is it in there?"
"I think so."
"Will you bring that?"
"Yes."

He brought them both into this court. They contained, all these reports, a complete or almost a complete copy of everything that happened, but not one word on this subject. He deliberately said that he made that record within a few days of the time it occurred, and that he told the office about it within a few days of the time it occurred. And then what did he say? Then he came back in answer to my cross examination, and said that he never told Judge Crowe about it until the night before Judge Crowe made his opening statement in this case. Six weeks after he heard it, long after the time he said that he made a record of it, and there was not a single word or syllable about this matter in any report he made.

I am sorry to discuss it; I am sorry to embarrass this

court, but what can I do? I want your Honor to know that if in your judgment you think these boys should hang, we will know it is your judgment. It is hard enough, for a court to sit where you sit, with the eyes of the world upon you, in the fierce heat of public opinion, for and against. It is hard enough, without any lawyer making it harder. I assure you it is with deep regret that I even mention the evidence, and I will say no more about it, excepting that this statement was a deliberate lie, made out of whole cloth, and his own evidence shows it.

Now, your Honor, I have spoken about the war. I believed in it. I don't know whether I was crazy or not. Sometimes I think perhaps I was. I approved of it; I joined in the general cry of madness and despair. I urged men to fight. I was safe because I was too old to go. I was like the rest. What did they do? Right or wrong, justifiable or unjustifiable—which I need not discuss today—it changed the world. For four long years the civilized world was engaged in killing men. Christian against Christian, barbarians uniting with Christians to kill Christians; anything to kill. It was taught in every school, aye in the Sunday schools. The little children played at war. The toddling children on the street. Do you suppose this world has ever been the same since then? How long, your Honor, will it take for the world to get back the humane emotions that were slowly growing before the war? How long will it take the calloused hearts of men before the scars of hatred and cruelty shall be removed?

We read of killing one hundred thousand men in a day. We read about it and we rejoiced in it—if it was the other fellows who were killed. We were fed on flesh and drank blood. Even down to the prattling babe. I

need not tell your Honor this, because you know; I need not tell you how many upright, honorable young boys have come into this court charged with murder, some saved and some sent to their death, boys who fought in this war and learned to place a cheap value on human life. You know it and I know it. These boys were brought up in it. The tales of death were in their homes, their playgrounds, their schools; they were in the newspapers that they read; it was a part of the common frenzy—what was a life? It was nothing. It was the least sacred thing in existence and these boys were trained to this cruelty.

It will take fifty years to wipe it out of the human heart, if ever. I know this, that after the Civil War in 1865, crimes of this sort increased, marvelously. No one needs to tell me that crime has no cause. It has as definite a cause as any other disease, and I know that out of the hatred and bitterness of the Civil War crime increased as America had never know it before. I know that growing out of the Napoleonic wars there was an era of crime such as Europe had never seen before. I know that Europe is going through the same experience today; I know it has followed every war; and I know it has influenced these boys so that life was not the same to them as it would have been if the world had not been made red with blood. I protest against the crimes and mistakes of society being visited upon them. All of us have our share in it. I have mine. I cannot tell and I shall never know how many words of mine might have given birth to cruelty in place of love and kindness and charity.

Your Honor knows that in this very court crimes of violence have increased growing out of the war. Not necessarily by those who fought but by those that learned

that blood was cheap, and human life was cheap, and if the State could take it lightly why not the boy? There are causes for this terrible crime. There are causes, as I have said, for everything that happens in the world. War is a part of it; education is a part of it; birth is a part of it; money is a part of it,—all these conspired to compass the destruction of these two poor boys.

Has the court any right to consider anything but these two boys? The State says that your Honor has a right to consider the welfare of the community, as you have. If the welfare of the community would be benefited by taking these lives, well and good. I think it would work evil that no one could measure. Has your Honor a right to consider the families of these two defendants? I have been sorry, and I am sorry for the bereavement of Mr. and Mrs. Franks, for those broken ties that cannot be healed. All I can hope and wish is that some good may come from it all. But as compared with the families of Leopold and Loeb, the Franks are to be envied—and everyone knows it.

I do not know how much salvage there is in these two boys. I hate to say it in their presence, but what is there to look forward to? I do not know but what your Honor would be merciful if you tied a rope around their necks and let them die; merciful to them, but not merciful to civilization, and not merciful to those who would be left behind. To spend the balance of their days in prison is mighty little to look forward to, if anything. Is it anything? They may have the hope that as the years roll around they might be released. I do not know. I do not know. I will be honest with this court as I have tried to be from the beginning. I know that these boys are not fit to be at large. I believe they will not be until they pass through the next stage of life, at forty-five or

fifty. Whether they will be then, I cannot tell. I am sure of this; that I will not be here to help them. So far as I am concerned, it is over.

I would not tell this court that I do not hope that some time, when life and age have changed their bodies, as it does, and has changed their emotions, as it does,—that they may once more return to life. I would be the last person on earth to close the door of hope to any human being that lives, and least of all to my clients. But what have they to look forward to? Nothing. And I think here of the stanza of Housman:

"Now hollow fires burn out to black,
And lights are fluttering low:
Square your shoulders, lift your pack
And leave your friends and go.
O never fear, lads, naught's to dread,
Look not left nor right:
In all the endless road you tread
There's nothing but the night."

I care not, your Honor, whether the march begins at the gallows or when the gates of Joliet close upon them, there is nothing but the night, and that is little for any human being to expect.

But there are others to consider. Here are these two families, who have led honest lives, who will bear the name that they bear, and future generations must carry it on.

Here is Leopold's father,—and this boy was the pride of his life. He watched him, he cared for him, he worked for him; the boy was brilliant and accomplished, he educated him, and he thought that fame and position awaited him, as it should have awaited. It is a hard

thing for a father to see his life's hopes crumble into dust.

Should he be considered? Should his brothers be considered? Will it do society any good or make your life safer, or any human being's life safer, if it should be handed down from generation to generation, that this boy, their kin, died upon the scaffold?

And Loeb's, the same. Here is the faithful uncle and brother, who have watched here day by day, while Dickie's father and his mother are too ill to stand this terrific strain, and shall be waiting for a message which means more to them than it can mean to you or me. Shall these be taken into account in this general bereavement?

Have they any rights? Is there any reason, your Honor, why their proud names and all the future generations that bear them shall have this bar sinister written across them? How many boys and girls, how many unborn children will feel it? It is bad enough as it is, God knows. It is bad enough, however it is. But it's not yet death on the scaffold. It's not that. And I ask your Honor, in addition to all that I have said, to save two honorable families from a disgrace that never ends, and which could be of no avail to help any human being that lives.

Now, I must say a word more and then I will leave this with you where I should have left it long ago. None of us are unmindful of the public; courts are not, and juries are not. We placed our fate in the hands of a trained court, thinking that he would be more mindful and considerate than a jury. I cannot say how people feel. I have stood here for three months as one might stand at the ocean trying to sweep back the tide. I hope the seas are subsiding and the wind is falling, and

I believe they are, but I wish to make no false pretense to this court. The easy thing and the popular thing to do is to hang my clients. I know it. Men and women who do not think will applaud. The cruel and thoughtless will approve. It will be easy today; but in Chicago, and reaching out over the length and breadth of the land, more and more fathers and mothers, the humane, the kind and the hopeful, who are gaining an understanding and asking questions not only about these poor boys, but about their own,—these will join in no acclaim at the death of my clients. These would ask that the shedding of blood be stopped, and that the normal feelings of man resume their sway. And as the days and the months and the years go on, they will ask it more and more. But, your Honor, what they shall ask may not count. I know the easy way. I know your Honor stands between the future and the past. I know the future is with me, and what I stand for here; not merely for the lives of these two unfortunate lads, but for all boys and all girls; for all of the young, and as far as possible, for all of the old. I am pleading for life, understanding, charity, kindness, and the infinite mercy that considers all. I am pleading that we overcome cruelty with kindness and hatred with love. I know the future is on my side. Your Honor stands between the past and the future. You may hang these boys; you may hang them by the neck until they are dead. But in doing it you will turn your face toward the past. In doing it you are making it harder for every other boy who in ignorance and darkness must grope his way through the mazes which only childhood knows. In doing it you will make it harder for unborn children. You may save them and make it easier for every child that some time may stand where these boys stand. You will make it easier for

every human being with an aspiration and a vision and a hope and a fate. I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men. When we can learn by reason and judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man.

I feel that I should apologize for the length of time I have taken. This case may not be as important as I think it is, and I am sure I do not need to tell this court, or to tell my friends that I would fight just as hard for the poor as for the rich. If I should succeed in saving these boys' lives and do nothing for the progress of the law, I should feel sad, indeed. If I can succeed, my greatest reward and my greatest hope will be that I have done something for the tens of thousands of other boys, for the countless unfortunates who must tread the same road in blind childhood that these poor boys have trod,—that I have done something to help human understanding, to temper justice with mercy, to overcome hate with love.

I was reading last night of the aspiration of the old Persian poet, Omar Khayyam. It appealed to me as the highest that I can vision. I wish it was in my heart, and I wish it was in the hearts of all.

> "So I be written in the Book of Love,
> I do not care about that Book above.
> Erase my name or write it as you will,
> So I be written in the Book of Love."